Manitoba Constitutional Task Force

February 7, 1991
Winnipeg, Manitoba
Payuk Inter Tribal Co-op
#100-500 Balmoral St.

No. 6

Chairman: Professor Wally Fox-Decent

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MANITOBA CONSTITUTIONAL TASK FORCE

Thursday, February 7, 1991

TIME — 10 a.m.

LOCATION — Payuk Intertribal Co-op, Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

Mr. James Carr (Member for Crescentwood)

Ms. Jean Friesen (Member for Wolseley)

Mr. Oscar Lathlin (Member for The Pas)

Hon. James McCrae (Member for Brandon West)

Hon. Darren Praznik (Member for Lac du Bonnet)

Mrs. Shirley Render (Member for St. Vital)

* Substituting for Hon. Darren Praznik (Member for Lac du Bonnet) from 1:30 p.m. to 5 p.m., Mr. Jack Reimer (Member for Niakwa)

Support Staff for the Manitoba Constitutional Task Force:

Professor S. Gallagher, Research Director

Kathleen Mico, Research Officer

Terry Simmonds, Research Officer

Vic Toews, Legal Counsel

Witnesses:

J. Una Johnstone, Private Citizen

Donald Bailey, Private Citizen

Jeri Bjornson. Charter of Rights Coalition

Stan Fulham, Private Citizen

Terrance Nelson, Pembina Anishinabe

John Wynen, Private Citizen

Kenneth Zaifman, Manitoba Bar Association, Immigration Section

Sel Burrows, Private Citizen

Theresa Ducharme, Chairman, People in Equal Participation Inc.

Melody Jonnie, Commissioner of Aboriginal Students Constituency, Canadian Federation of Students

Morris Paul, Private Citizen

Victor Payou, Private Citizen

Clark Brownlee, Private Citizen

Roy Lyall, Confederation of Regions Manitoba Party

Robert Clague, Private Citizen

Alan Beachell, Reeve, Rural Municipality of Rosser

Dan Borden, Private Citizen

Eric Robinson, Aboriginal Council of Winnipeg

Louis Stevenson, Chief, Peguis Indian Band

Jon Gerrard, Private Citizen

Michael Nickerson, Private Citizen

Jack Flett, Chief, Island Lake Tribal Council

Harold Brown, Private Citizen

Tom Simms, Community Education Development Association

Douglas Wade, Private Citizen

Allan Woodbury, Private Citizen

Matters Under Consideration:

Public Presentations—Manitoba Constitutional Task Force

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Mr. Chairman: Good morning, ladies and gentlemen. Welcome to our second day of public hearings in Winnipeg. We were in Winnipeg last Saturday, as some of you will recall, and we have meanwhile been in the North, to Thompson and The Pas, and last week were to Dauphin and Brandon.

We will be conducting hearings in Winnipeg today, tomorrow and Saturday. We now have an overflow demand for time to make presentations, so we will be scheduling another day of hearings, and we will let you know about that as soon as we are able to do that, probably sometime early next week, but that will be confirmed presently.

I am delighted to welcome our viewers on television as well as the good people who have joined us in the audience this morning. We are here to share with you, and particularly to have you share with us, your views on the future of Canada and Manitoba's place in that

future. The more specific reference to constitutional issues you will find in the pamphlet. I hope everybody has had the opportunity to pick one up as they came into the meeting.

The rules for presentation are very simple. We would ask you to come up to the table that has been prepared for presenters when your name is called. You will be given a 20-minute time limit. You will hear a bell after 15 minutes which indicates you have five minutes left, and then a double bell at 20 minutes when we would ask you to be kind enough to complete your remarks. There will then be a period during which Members of the task force may wish to ask you questions.

* (1005)

If you have a written presentation, if you would be good enough to let us have that we will have copies in sufficient number for all the task force Members to follow along. A written presentation to accompany your oral remarks is not necessary. It is just as you choose, and if you wish to write us subsequent to this public hearing, the address is in the pamphlet, and we would be delighted to hear from you. Anything we receive in writing will, of course, be considered.

I am now pleased to introduce the Members of the task force who are with me this morning. I will start on my far left, the Honourable Darren Praznik, the Conservative Member of the Legislature for Lac du Bonnet. Mr. Praznik is Minister of Labour in the Manitoba Government. Next to him is Ms. Jean Friesen. Ms. Friesen is the New Democratic Member of the Legislature for Wolseley. On my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and the Member of the Legislature for Crescentwood. On my far right is Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. Next to him, the Honourable Jim McCrae. Mr. McCrae is Conservative Member of the Legislature for Brandon West and Minister of Justice in the Manitoba Government, also Minister for Constitutional Affairs. On my immediate right is Mrs. Shirley Render, who is the Conservative Member of the Legislature for St. Vital. I am Wally Fox-Decent.

We have child care services, ladies and gentlemen, if anyone wishes to take the opportunity to bring their children and join us in the hearing. That service will be provided throughout. There is service available for those who require assistance with hearing. There is sign language service and also a closed-loop amplification system. We are providing services of simultaneous translation into English-French, French-English.

So we are ready for our first presenter this morning. I am pleased to call Mrs. Johnstone. Morning, Mrs. Johnstone.

* (1010)

Mrs. J. Una Johnstone (Private Citizen): Good morning, sir. Mr. Chairman, Members of the task force, thank you for this opportunity to appear before you again. I hope it will be the last time, and that the question of Quebec's sovereignty and the Constitution will be decided one way or another this time around.

My first remarks may be irrelevant, but I have felt deeply about it. I am weary and appalled with Quebec and others continually placing the guilt of all our ills and woes, real or imagined, that have happened in the distant past and near past. We are not responsible, nor should we be responsible, for the actions of people long dead. This also applies to the compensation paid to the Japanese for their incarceration during the Second World War. Others are now following in their footsteps.

It is wrong to make the present generation pay for the sins of our fathers, great-grandfathers, great-great-grandfathers and ad infinitum. It must stop and legislation must be passed to set a date after which the responsibility ends. It is so easy to blame others for our own mistakes and failures. We have to learn by them.

The Allaire report—Quebec would only agree to share Ottawa's jurisdiction over Native affairs, taxation, justice and immigration, transport, the post office and foreign policy. This is a most audacious power grab and should not be tolerated, particularly regarding foreign affairs, Native affairs, justice and transport.

The whole world watched their handling of Oka, and the Quebec Government ended up buying the wrong property they were handing over to the Mohawk Indians because they did not have a survey done. How incompetent can they be?

Ottawa would have full control over defence, customs, tariffs, currency, management of the national debt. Decent of them, no? No quarrel with this group.

The Senate would be abolished. Major decisions of Parliament would have to be passed by the Quebec National Assembly. This, of course, is so ridiculous it

would be laughed out of court. Who would be governing Canada with this arrangement?

A sovereign Quebec would adopt its own constitution, making historic rights of Anglophone Quebecers and promoting the full development of cultural, linguistic and religious communities.

Worse follows. Decisions by Quebec supreme courts would no longer be appealed before the Supreme Court of Canada. This is certainly not acceptable and only appeals to French arrogance.

A new tribunal would, however, be created to check federal intrusions into provincial jurisdictions. If a new constitutional deal—their words—is not worked out within 18 months, the paper proposes Quebecers vote in a referendum calling for full sovereignty with an economic arrangement with the rest of Canada by the fall of 1992. The report will be debated at the Party's policy convention in March. Talk about hasty pudding. This is it.

* (1015)

This altering of the Constitution in panic is the worst scenario possible. It requires serious, judicial, thoughtful, co-operative discussions between Canada and Quebec, particularly if Quebec is adamantly stubborn.

Since Mr. Mulroney has already made an agreement with Quebec on immigration policy, there is grave danger that he will make more agreements with Mr. Bourassa to the detriment of all Canadians.

It should be noted that Quebec has prospered beyond their wildest dreams under the BNA Act of 1867 and the repatriated Constitution, 1982. When you consider that there was no compulsory education in Quebec until 1941 and the women did not obtain the vote until 1941—Manitoba had both in 1916—today they have one of the most dynamic, wealthy, powerful group of men in Canada.

To quote from the book jacket of "Quebec Inc." by Matthew Fraser: "The economic revolution in Quebec during the past decade has marked the beginning of a new era in the province. With the rise of a successful French-Canadian corporate élite, business has expanded tremendously not only at home—the province's 1987 growth rate of 3.1 per cent was the highest in Canada—but abroad, to the United States, Europe and the Far East."

This "explores the history and diversity of the French-Canadian business world—from early dynasties such as the Simards, the Brillants and the Rollands to today's aggressive managers and innovative entrepreneurs who are changing the face of Quebec enterprise." I have the book here if anybody is interested in seeing it.

To continue: "Here are fascinating portraits of the French-Canadian business establishment: Bernard Lamarre of Lavalin, Marcel Dutil of Canam Manac, Bernard Lemaire of Cascades, Claude Castonguay of the Laurentian Group, Pierre Lortie and Bertin Nadeau of Provigo, newspaper tycoon Pierre Péladeau, developer Daniel Fournier, Paul Desmarais of Power Corporation, Laurent Beaudoin of Bombardier." These people were federalists but now are behind the Quebec sovereignty.

Mr. Roland Penner on a CBC Morning discussion quoted Thomas Jefferson, and to paraphrase it, Jefferson stated that the American Constitution of the United States was not written in stone but that each generation would adapt it to their needs. This, of course, should have applied to our Constitution, but it has stood in good stead up to the present. However, we now have to consider the changes that have been formed by power-hungry people. The Constitution belongs to the people, not to the Governments, Ministers, politicians or Prime Ministers. The people will now have to be consulted.

What we need is strong leadership to hold the country together. No one wants a Canada without Quebec, but not at any price. We need to have shared and concurrent powers with the federal Government holding sufficient powers to make the decisions on contentious policies. I believe that this is called paramountcy, which would mean federal decisions would prevail. If this does not work, then Quebec would separate, but it would have to be on Canada's terms which would be carefully worked out by the people, not the Prime Minister and his Cabinet. No doubt there will be many suggestions on the details.

My sincere hope is that Canada can remain united with Quebec. This might be accomplished with wise, strong leadership on both sides without time restrictions.

I have not dealt with bilingualism, multiculturalism or a Triple-E Senate because they have been dealt with very competently by others. I do not agree with bilingualism or the multiculturalism policies, but do agree with the aims of the Triple-E Senate.

In closing, I thank you for your attention, and I wish you success in the prodigious task that you have ahead of you.

* (1020)

Mr. Chairman: Thank you, Mrs. Johnstone. Questions?

Ms. Jean Friesen (Member for Wolseley): Thank you very much for your good wishes. I wanted to pick up on a couple of things you said about consultation of the people. You argued that you wanted to see a flexible Constitution, and in the making of a new Constitution you wanted to see a much broader consultation with the people. Could you expand upon that a bit?

Mrs. Johnstone: Well, the American Constitution was sort of left—it could be changed, but it never has been changed. I understand that it was intended that as times changed, people changed, needs changed, then it can be adapted. I suppose, in a way, if it was bad enough, I mean you could have a whole new Constitution that would cover present-day needs.

Ms. Friesen: So you are advising us to look for something that is unlike the American Constitution, something much more flexible.

Mrs. Johnstone: Yes, I think that it should be flexible because people who are inflexible end up—you know, you are going to come against a stone wall and you never get anywhere.

Ms. Friesen: When you advise us to expand the consultation of the people, do you have any suggestions for how that would be done or any examples that we could look at?

Mrs. Johnstone: You mean about the consultations to expand or to change—well, I have not really thought too much on that, but I sort of feel that also should be flexible too, that people should be able to consult with one another instead of sort of just digging in their heels and saying, this far, no further. I mean it has to be done by reasonable people.

Mr. Chairman: I am sorry, there is one more question, Mrs. Johnstone. Mr. Lathlin would like to ask you a question.

Mrs. Johnstone: Wait until I turn my hearing aid up.

Mr. Oscar Lathlin (Member for The Pas): I, too, would like to thank you for your presentation, and I am sorry I could not get to you right away. I was too busy eating my candy.

I wanted to come back to your paper, wherein you talk about—we are not responsible, nor should we be responsible for the actions of people long dead, and then you mention the Japanese people.

Mrs. Johnstone: Well, I have felt for a long -(interjection)- I beg your pardon?

Mr. Lathlin: Can I please give a little bit of a preamble to my question? Then I will ask you the question.

Mrs. Johnstone: Oh, I am sorry.

Mr. Lathlin: You also mention that women were not allowed in Quebec to vote until 1941—

Mrs. Johnstone: That is correct.

* (1025)

Mr. Lathlin: —and you said in Manitoba it had been done since 1916. Aboriginal people were not allowed to vote until 1961. Now, the point I want to make is, or the question that I wanted to ask you is, do you not believe, though, that we have some responsibility as a Canadian society to right some of the wrongs that have been inflicted on groups such as women that you were talking about, or do we just say, well, that was too bad, it happened too many years ago?

Does that make it right by not going back and actively to try to right at least some of the wrongs that have been inflicted on certain groups such as women, Japanese people and, in my case, particularly the aboriginal people?

Mrs. Johnstone: What I feel is that—

Mr. Lathlin: Or do you bury your head in the sand?

Mrs. Johnstone: I beg your pardon? How far back are you going to go on wrongs? Are you going to go back to the Roman times? I mean, you could keep on going back. I feel that there should be a date set beyond which you are not—you know, they have to be settled and that will be it. I mean, it cannot go on for the next century, paying for things that happened 200 years ago.

Mr. Lathlin: I am not suggesting that, though. I heard Premier Bourassa one day saying that, or I think it was Premier McKenna, one of the First Ministers say: We have been here 300 years, for heaven's sakes, so why should we not be entitled to rights and certain things? What I am saying to you is, aboriginal people have been here for more than 300 years.

I am not even suggesting that we go back a century. What I am suggesting, though, is that we look at history, and we try to right some of the wrongs that have been inflicted upon people. I realize that we are not going to be able to correct everything, but at least history has taught us some very, very important lessons, and I think my suggestion or my submission to you would be that if we bury our heads in the sand and say, oh, it has been too long, there is nothing we

can do about it now, then that is the attitude society will take in the future. My question to you is: Is it not our responsibility to at least try, whatever that—

Mrs. Johnstone: I agree that there should be, as I say, there should be a settlement, but then once a settlement is reasonable and made, this date then could be set. I do not see how. I mean, you can be accusing, more or less, the present generation for all the wrongs in the past. This is what is being continually done, is that we are made to feel guilty. We should not be made to feel guilty for something that we, in our time, did not do.

Mr. Lathlin: I do not think my question is to try to make anybody feel guilty. My question is that there are legal documents sitting all over the place called treaties that have not been fulfilled. In your society, in our society, I have read of court cases where people have actually gone to court to fight over, you know, the eaves of a roof overhanging the next person's property. I mean, people have gone to court for that. Here we are talking about treaties that are sacred, that have been signed by the Queen, Canada and the First Nations of Canada, and we are saying, well, that happened too long ago.

Mrs. Johnstone: Let me put it this way, anything that is legal and has been put in writing, then I think Canada has to stand behind that. But anything else, no. I mean, we are not going to be responsible for little nitty-picky things like that, once the legal things are settled.

Mr. Lathlin: Thank you very much.

Mr. Chairman: Thank you, Mrs. Johnstone. Our next presenter is Professor Donald Bailey from the University of Winnipeg. Good morning, Professor Bailey.

Mr. Donald Bailey (Private Citizen): Good morning, Professor Fox-Decent. How are you?

Mr. Chairman: Well, and you?

* (1030)

Mr. Bailey: A little harried. I finished this at midnight and tried to xerox the sheets for you instead of reread it for myself. If you do not mind, I will skip over the best part of this paper.

Mr. Chairman: We will read that for sure.

Mr. Bailey: I hope you will.

Mr. Chairman: Tell us where it is.

Mr. Bailey: I will start on page 12. The first part of the paper comes out of thoughts I have had for much longer. They are better considered. They are better formulated, and they make two essential points.

They are both concerning the study of history. One is that if we were aware of more history than the narrow range of experiences we have had in Canada in only 400 years, we would have a greater variety of constitutional patterns and cultural interactions than we have in Canada.

The second advantage of history is to understand what I call its momentum. In physics, momentum is mass times velocity. In history, it is the number of people times the length of time they have done something.

Western Canadians have been here just, for most of us, for less than a century, and we do not understand the weight of four centuries of Anglo-French relations and the weight of thousands of years of Native presence on this culture. This has the same kind of momentum, historically speaking, in the way it comes through the present and enters the future, that an automobile might have when you are trying to stop it abruptly.

Too many people have a kind of a liberal imagination that human beings and institutions are like Lego blocks that can be taken apart and rearranged, whereas I see history organically. It evolves and we have to understand that there are grievances here that are not just incidents in the past, but that we today profit from the injustices of the past. Just to wipe it out and say, let us start now, means, let me keep my advantages, and those people whom my ancestors hurt will not get the advantages that are owing to them.

The study of history, I would argue, is an essential component in what we are trying to do. I thought I put those thoughts rather well, but I will try to tear read through the rest of the paper.

The second part of the paper deals with cultural concerns. What is culture? Do we really mean something profound when we speak of culture, or are we really talking only about superficial things? We tend to think of it in terms of dress and costumes and eating and say we are culturally tolerant because you can have a Ukrainian Easter egg, but we would bar polygamous immigrants to Canada.

If something is religiously and culturally legitimate in a certain culture and if Canadians are genuinely open to multiculturalism, do we really allow the profound cultural differences, the ones that really matter to be free here? Even the incident of the

turbans shows how narrow our focus is on some cultural ideas.

We are playing really at the superficial level even with language which I think is quite a profound aspect and not looking at culture. Fortunately you have on the panel at least one very gifted and experienced anthropologist historian, and perhaps I will merely look naive by pursuing that. I would like to read the part though that I have, picking up in the middle of my remarks on culture.

Cultural questions influence constitution making in two important respects. First, does a nation have to be ethnically homogeneous? In the period in which Canada, the United States and other new countries were being formed, the leading countries of western Europe appeared to be culturally unified, and they gave the world a nationalist doctrine that argued such uniformity was both normal and desirable. But the record of history shows polyethnicity to be normal and universal within civilized societies with cultural uniformity pretty well confined to barbarian cultures.

A closer look at Great Britain or France, Germany or anywhere else in eastern Europe would certainly show anything but ethnic uniformity. French Canadians are etymologically correct; a nation is originally a tribe or a single ethnic group. But the disciples of Mr. Trudeau are also correct in arguing that a nation comprises everyone with the shared experiences of living for generations within the same frontiers. Only those who insist that a nation must have only one official language are historically and politically wrong. Worse, they are mischievous and seditious, for they are tearing the country apart.

The second cultural question that affects constitutional framing asks about provincial boundaries. Why create a federal, decentralized state when obviously a unicameral, single jurisdiction would appear to be so much more economical? There are several answers and cultural concerns are among them. One is to keep Government both close to and accountable to the people. Another is to respect the natural boundaries of history or geography. A third, ironically, is that even duplications are less expensive than inflexible national programs that miss too many targets or underfunded regional programs that deprive some citizens of the health and education on which the whole country depends.

Culture is a separate concern from these three, but it actually overlaps with them all. The other three concerns are valid even when everyone in the larger federation shares the same culture or is so intermixed that no local boundaries would neatly separate them.

If a distinctive culture does reside within definable boundaries, then there is every reason to grant it even more autonomy than is merely inherent in provincial rights. Many of these rights would be political; that is natural to federal decentralization, but others will be cultural, which means that they might be assigned to one or more provinces to reflect cultural differences without being granted to others.

Such rights go beyond the logical division of federal powers, but they have their own good reasons for doing so. Amongst sophisticated people, such diversity is natural, sensible and no reason for mutual jealousies, but for many Canadians it appears unthinkable, and their thirst for uniform symmetry will break up the country.

What might be reasonable provincial rights that derive from cultural distinctions? Different local official languages would certainly qualify, and the designing of educational curricula to reflect religious or other cultural perspectives and values would be another. One might ask, can the national federation allow educational goals to be so different that social mobility is hindered? This is one risk a nation might take though, since cultural cohesiveness is even more likely to resist migration than education itself. Besides, the blending of differently educated citizens is valuable for all concerned. The federation may want to monitor quality of education or equalized funding, and ways should be sought to separate local design from federal evaluation.

Next, is health only conceivable as a universal right which can only be delivered in one specific way, or might it respond to local expectations? Influence over the electronic media is a crucial cultural question, yet is equally crucial to national integrity, but if we placed immigration and agriculture uniquely under joint responsibility in 1867, is it beyond our imaginations to expand the list of shared responsibilities in 1991?

In Canada, the British North America Act of 1867 recognized Quebec's distinct society in several crucial respects after a century of living together proved the impossibility of blending French and British cultures. The distinct society of Quebec was recognized in the BNA Act as it had been in the colony's four previous constitutions. Special status was granted in the educational clauses, in the protections for civil law and in the recognition of two official languages. Provincial debts and other

financial arrangements were regulated and a railway across Quebec to the Maritimes was promised.

When the Supreme Court was established by an earlier name in 1875, three appointments from Quebec were guaranteed. Later amendments to the BNA Act of 1931 and 1949 reasserted the language and other rights of Quebec. In most significant respects, Quebec was either to be governed like the others or to pursue distinctive paths, while the other provinces' similarities to each other were to be recognized and even encouraged to grow.

What interests me most here, however, is the nature and momentum of Quebec's distinctive culture. The next few pages I am going to read because, in a way, they recall the earlier argument too but give it some Canadian exemplification.

The English and French of Europe saw many differences between each other even though their lands and kings had been overlapping throughout the latter part of the Middle Ages and despite the fact that French had been the official language of England during the first two centuries after the Norman conquests. Yet if studied from other regions of Europe or from other continents, their similarities would be more striking than their differences. It would be salutary in our generation if we would more often take the more distant perspective too.

* (1040)

Similarities existed in religion. Both were Christian, and the Church of England was not heretical like Protestantism, but only in schism from Rome.

Similarities also existed in language. Thanks to the influence of French, Anglo-Saxon moved significantly away from its Germanic characteristics to resemble a romance language in many basic respects, and over 4,000 words in English have since been French in their origin.

By the 18th Century, feudalism had disappeared from both countries, but from only a few others. A market industrial economy was fast evolving. Extensive overseas empires had been won, and the social economic status of women, though shrunk from its former strengths, was in both countries higher than in most other parts of Europe.

The small differences in religious dogma were felt keenly. French Protestants had not been allowed to immigrate to New France after the first generation or so of settlement. British tolerance retained many restrictions against Roman Catholics. In fact, the Quebec Act of 1774 recognized the special culture of New France by permitting Catholics to do things in Canada that they were not permitted to do in England. This concerns language. Even though most educated western Europeans spoke French in the 18th Century and subsequently, it was a language distinct from English, and the Government had to proceed in both, as the Constitutional Act of 1791 made clear.

Partly for social economic reasons and partly because of the rhetoric of Thomas Hobbes and John Locke, English culture was becoming less communitarian and more individualistic. This evolution continued in North America. While such an evolution developed in European France as well, it did run counter to many theological instincts of Catholicism and was held at bay by French-Canadian culture for almost two centuries.

In Old France, secular liberalism gradually triumphed, even at last in education, but as harbingers in Quebec were suspected of combining heresy with social sedition. Now religious and communitarian values are not backward or inferior, they are merely different from the values of secular individualism. They are vulnerable to the lack of moral restraint in the capitalist ethos and their adherence all over the world had been exploited by the imperialism inherent in capitalism.

One of the deepest ironies of the current drive for autonomy in Quebec is that it reposes on an economic energy and style that resembles that of the Anglo-Saxon world and is thoroughly individualistic, secular and capitalist in nature.

So what does now constitute Quebec's distinct culture? Today it's most concrete manifestation is language. Catholicism is now as prevalent in English Canada as it is in Quebec, and its influence appears to be growing in the one culture and declining in the other. Civil law remains different in the two jurisdictions, but has developed remarkable commonalties in their parallel response to the challenges of adapting to modern technologies and international economy and other common traits of modern society.

The less tangible characteristics remain significant. One of these is atmosphere. That is a style and a feel of culture that even Quebec Anglophones argue distinguishes them from other Canadians with the same language, just as French Canadians outside Quebec do not feel wholly at home in that province.

The other characteristic is historical experience, shared indeed with English Canada in many respects,

both friendly and hostile, but also separate from the rest of Canada in the way it is learned, felt and even actually experienced. In the final analysis, cultural distinctiveness depends on the self-awareness of those who feel deep mutual bonds and share a similar sense of differentness from outsiders. It will separate English Canadians from Australians, though they speak the same language; Italians from Spaniards, though they share the same religion; and Russians from Chinese, despite a common ideology, not to mention other things.

It must be respected, for to pretend it is insignificant or nonexistent is certain to aggravate it, but it should have historical momentum before it drives societies to make special constitutional arrangements, and it should be essentially satisfiable by constitutional provisions before complaints are allowed concerning problems that no constitution can remedy.

Until very recently and perhaps even yet, if we are optimistic, Quebec's concerns could be met by constitutional changes, but western alienation appears to me to be driven by a profound lack of historical sophistication. The West's problems are more economic than political, in that they adhere to demographic and geographic factors that are virtually beyond human resources to change. I have overstated that, but I am trying to say the Constitution is not going to be the remedy. In other words, I do not think western Canada's grievances can be assuaged through constitutional revisions.

While Ontario's economy will dominate western Canada whether or not we are a part of Canada and will have its cultural dominance partly filtered by our different patterns of geography and immigration, Quebec is now in a position to challenge Ontario's hegemony in many respects, while having a language and culture that are significantly different.

Quebec bargains from a position of considerable strength, but it should not be allowed any longer to bargain from a position of intimidation. It seeks to protect culture, but that aspiration will also be used to disguise grasps at forms of power that are culturally neutral and that cultural survival does not need. Some of these it will insist on, and it may be that English Canada can let them go. Others Canada will have to retain either to preserve the country's integrity and security or to protect the interests of Canadians inside Quebec for whom all of us have a responsibility.

As regards the rest of Canada, it must not be torn apart by a doctrinaire insistence on Gallic symmetry. Quebec has always had some special arrangements, as is the case in most countries where cultural minorities reside in definable regions, and the genius of Anglo-Saxon pragmatism has always been its flexible ad hockery, not its rigid systems.

Just as an aside, in four dictionaries I was defeated to find ad hockery, so I do not know whether I should have "a", "o" or "e" there. Everybody has ad hoc, and even my word processor jumped on it.

Quebec's demands should be set beside the BNA Act's original division of powers in Section 91 and 92, and we should have a fresh look at how new technologies and new international activities might suggest revisions, but we should not weaken the federal Government one iota. Rather, we should restore some of its former strength, and we should always be governed by caution, by a conservative reluctance about making any changes that are not absolutely compelling. To be prudent does not mean to lack boldness, however, and some radical changes might well reflect some aspects of the past century's evolution.

Then I gave you some specific ideas because I heard you were fed up with hearing so many general comments such as the foregoing. There is not time to read them. They are single spaced, but you can look them over. They are just speculations. I would not want to stand behind any of them, but I am throwing them out as thought stimulators because they might be helpful.

I am grateful for your being here and doing the work that you are doing. I hope that you will try to grab a couple of general history books of early modern Europe and pick up on some of the varieties of potentials that we might have, or look at the Austro-Hungarian Empire both before and after the Ausgleich of 1867, because Canada might go that route. The Ausgleich is a possibility for us, though our geography is different, and I would rather have more remaining of the central institutions.

Mr. Chairman: Thank you very much, sir. Questions?

Hon. James McCrae (Member for Brandon West): Professor, I found your ad hocfulness quite refreshing.

Mr. Bailey: Thank you.

Mr. McCrae: You talked about some of the demands of Quebec being culturally neutral, and that cultural survival of the Quebec way is not reliant on all of the demands that are being made. Would I be right in characterizing the Quebec people, from your

knowledge of this matter, as perhaps not being in sync with their politicians when their politicians are asking for all these other powers? Do you think the people of Quebec are that much different from anybody else in the sense that my understanding is that they have a strong emotional nationalist feeling about their language and their culture? Am I reading it wrong when I suggest that the politicians in Quebec are, to this extent, out of sync with their people?

* (1050)

Mr. Bailey: I think the safest answer would just be to say that I do not know. I have not visited Quebec in many years, and I have not read the Quebec newspapers recently. I am always willing to risk speculation, and I know that both the media and the politicians often manipulate public opinion to their own advantage, and they do this most successfully when they build on instincts that are already there, which they articulate.

My feeling is that there is a very profound sense of grievance that goes right down through the base of Quebec. Some of this is based on misinformation that they have about what we are up to. The most important of which, of course, was the total lie that the Meech Lake Accord was fully identifiable with Quebec's five demands, and that the defeat of the Accord was the defeat of the five demands. The fact that we got into that snarl-up was the fault of the Prime Minister and the Premiers of Ontario and Quebec. That total lie, which the CBC helped to perpetuate on The National, has been a major cause of the misunderstandings subsequent to the failure of the Meech Lake Accord.

If we can hang in there and see through this, I think we will come back together, but I do not know if we can hang in and see it through. I think that although Quebec's alienation comes in waves, as normal in Canadian history, it comes and it goes, I am not aware of anything that is this profound that has lasted this long at this pitch, we are now looking at 30 years of building to this momentum. I think something very radical will be required, and I would like to say that perhaps we should just let Quebec go on good terms, and through the common market hope to restore Canada in the next generation.

The more I reflected upon that, the more I realized two things, one sounds hardheaded and conservative, and the other sounds much more liberal and humane and conservative. The hardheaded issue is that the integrity of all countries has to be protected, a country has the right to protect its own integrity ultimately. If the St. Lawrence Seaway is as important to us today as it was absolutely critical in our youth, as a nation we would have to maintain federal control over it.

The other concern, of course, is northern Quebec. It is not part of historic New France. It was part of the Hudson's Bay Company and part of England. It was bought by Canada along with the part that is now Manitoba and so on, given to Quebec only about the same time that our own boundaries were rectified about 1912. The document by which those lands were transferred to Quebec specifies—I have not seen it directly, so I am speaking secondhand—that it is on what you might call a national trust, that these will be the enhanced boundaries of Quebec, but not if Quebec decides to go on all kinds of bizarre ways on its own.

My major concern, of course, is the Native peoples. Those lands are almost entirely inhabited by Native peoples. They are badly treated in Quebec. Quebec's record with respect to Native peoples is one of the worst in Canada. I think, as Canadians, we have to protect that.

Now it would be hypocritical if we took this land back from Quebec to be generous to the Indians there, while we are hanging on to Indian lands in Manitoba and northern Ontario. If we had a genuine national urge to resolve the inequities and injustices of Native rights, the secession of a truncated Quebec might be a good springboard to justify that kind of behaviour. This gets me back to the first thing, though, which is the hardheaded part, because if you did that, you would deprive Quebec of its hydro-electric power and cut its economy off at the knees. That might not be as generous and friendly a parting as I would like to see.

However, one final point about your original question, Mr. McCrae, is that—I do not know whether this is just my personal good fortune or not—half of my regular education was in the United States and a third of my postgraduate education was in England and France. On that experience, I find—and I have seen others support this—that if English and French Canadians would only understand it, we are much more alike each other and different from others. We colluded and laughed at Americans and English—American imperialism, and patriotic innocence and naivete. French and English, Quebecers and western Canadians saw that the

same way. We recognized the same differences between England and Canadians.

There are so many commonalities, but when you get down in your own sandbox, what you really see are the differences and, of course, above all, we are separated by language. That is the fault of the Canadian universities who celebrated our centenary year by abolishing the compulsory second language for a Bachelor of Arts degree.

To me, the definition of an educated person requires being at least bilingual, and yet our universities no longer make that a basic, fundamental requirement, and to that extent, we are a disservice to our entire nation. I have gone over both clocks now. Mr. Praznik looks thoughtful at least, and that is a good sign.

Mr. Chairman: We have a couple of other questions, Professor Bailey. You would help us greatly, sir, if you could give us very short responses—

Mr. Bailey: Okay, I will try to be more succinct.

Mr. Chairman: —and it is only because of this wretched problem of time management with so many people still to be heard.

I would ask Ms. Friesen now to ask a question.

Ms. Friesen: I take it that the thrust of many of your recommendations are for enhanced powers for the federal Government. You talked about a restoration of federal power. I wanted to make sure that was the major thrust.

You also talk about a restructuring, a reconfederation of Canada, that is a changing of provincial boundaries or at least a consideration of that into perhaps larger regional groupings. In many ways, I think the goal of that is something similar to the goal, though not the method, of the Triple-E Senate people.

Both of them seem to rest to me on an assumption, and in your case quite clearly stated, in a reduction of the power of Ontario. What incentives can you suggest that Ontario will have to accommodate either Triple-E Senate type of initiatives in that or the kinds of proposals you have made?

Mr. Bailey: I cannot be optimistic on that, and you know that I think the Triple-E Senate is a totally garbage proposal. I mean, I have never seen anything quite so absurd resolve our difficulties. I have given the clerk a paper on that. I was surprised, though it struck me as wholly idiotic rather than helpful, when Premier Peterson was prepared to give away so many of the senators to get the Meech Lake thing solved. There were several things wrong with that and I will not go into them, but I think it is one reason he lost the election.

I would have thought it utterly naive to tamper at all with provincial boundaries, but two considerations came over me. One is to remember that the French Revolution completely redrew the boundaries of France. Those provincial boundaries were abolished, and we came up with 85 departments. Now we are not in a revolution yet, but we might if the rhetoric of English Canada could get both fired up but more humane and sensitive.

I might say that this is a similar crisis and that to save the nation, we might look again at the injustice that was done to Manitoba when we did not have northern Ontario, and if Manitoba were extended that way, part of Alberta might go in with Saskatchewan and part of Alberta to B.C. That would make the west coast even more powerful, but I cannot see it in the cards at all, unless we can turn our head space around to define the current crisis as something as profound as the French Revolution went through from 1789 through the next five years.

I just cannot see Ontario yielding, and I do not know where this federal strength would come from to force it to yield, and the Constitution would not permit it over Ontario's veto. It is just attempting to shift the possibilities of thinking off just the Quebec issue, which is so often loaded with resentments and ignorance, and to play with possibilities. When I played with them, I thought, that is a good way to go, that is salutary, but I agree with you, or at least the inference that I had of your question, that it is not very likely yet at this stage.

Ms. Friesen: But that it is part of the issue?

Mr. Bailey: Yes, it could well be.

Mr. James Carr (Member for Crescentwood): Professor Bailey, you are pretty tough on the West. You say that Quebec's concerns could be met by constitutional change, but western alienation is driven by a profound lack of historical sophistication. Then you go on to conclude that you do not think western Canada's grievances can be assuaged through constitutional change. What are you saying? Are you saying that the grievances of western Canada are not legitimate, or you just have not figured out a way in which they can be met?

* (1100)

Mr. Bailey: Well, in other parts of this paper and the one I gave to the Humanities Association 10 days ago and have also included in my file to you, I point out that they are legitimate. There are grievances here. I mean, we are the hinterland of Ontario. We are economically exploited, but this is the way Canada was put together. Canada is an artifact for the convenience of Ontario, and I think it is important to see that as a starter.

The other thing is, the rhetoric of Westerners disturbs me. I mean, they want to ram English down French throats by arguing that the English speakers are a majority in Canada. If you totalled all western provinces together, you would have fewer people than you have if you total merely the French Canadians together who do not live in Quebec. Of course, since you have to subtract the French from many of these western provinces—I mean, do they want democracy when it is English to annoy the French, but they do not want democracy when it is Ontario annoying the West?

The population of Ontario and the economic power of Ontario is so overwhelming that Westerners have no choice but to be exploited. What I think we have to then argue is, can we be exploited under better conditions? Can we have a greater share in this? That, I think, there is more hope for, and the hope comes from a stronger central Government, even though it is manipulated by Ontario. This is partly hidden by us because Ontario kept a Conservative Government precisely to hide the fact that it was in collusion with the Liberal federal Government. Once we got a Conservative federal Government, Ontario started to get exciting. I think Ontario and the feds are trying to hide from us their closeness.

I would like to say something more succinct and precise to your point because the grievances are real but what comes to mind is the Aristotelian situation, that you have a revolutionary situation whenever economic and political power are in two different sets of hands. As long as we have representative Government, then democracy will coincide with the power of Ontario and with its wealth.

If we have a Triple-E Senate, we will have created an artificial political equality that is in such total variance with the demographic and economic facts of Canada, that we would provoke a revolution. Ontario simply would not endure western equality, because it is not deserved. So I think we have to look for the best bargains that we can get, and in the history of Canada, the way the feds took the Rowell-Sirois report, for example, they listened to Manitoba, to John Bracken, and we got a better federal situation out of it. So the grievances are real, but they are mainly just the effect of democracy. I think to be sophisticated is to live with your law.

The final thing I want to say—it is in the paper—is that it has not been proven that we would be better off not being exploited by Ontario. I mean, the advantages to the connection with Ontario far outweigh the amounts of exploitation. I think it is a paranoid, selfish, petty style to continually be looking at how Ontario is exploiting us when, in fact, we are much advantaged by being part of Canada. It is a fabulous country, and I would rather be a western Canadian than live in most other parts of the world. As for Ontario, let them keep it. I do not want to live there.

Mr. Chairman: Thanks very much, Professor Bailey.

Mr. Bailey: Thank you.

Mr. Chairman: Our next presenter is the Charter of Rights Coalition, Ms. Jeri Bjornson. Good morning.

Ms. Jeri Bjornson (Charter of Rights Coalition): Good morning.

The Charter of Rights Coalition, which we refer to as CORC, is pleased to have this opportunity to present to you this morning. Thank you for your time and attention to our submission.

I would like to begin with a brief introduction of CORC and its work, because our concerns for the issues being considered by this task force are rooted in our goals and our ongoing work.

CORC is a coalition of equality-seeking groups and individuals who joined together in 1984 in anticipation of Section 15 of the Charter of Rights and Freedoms coming into effect. We are committed to promoting the equal treatment of women in society and look to the equality guarantees of the Charter for assistance in this regard.

CORC, in essence the goals are to educate the community and especially women about the sex equality guarantees of the Charter and involve women in ongoing Charter debate, and to play an active role to ensure that Manitoba's statutes, policies, programs and regulations comply with the Charter.

We have compiled two partial statute audits in 1985 and 1987, making recommendations for Manitoba's statutes to meet the sex equality guarantees of the Charter. We do not view women's equality rights or

the Constitution, for that matter, as simply words on paper. CORC's efforts have been directed towards ensuring that Sections 15 and 28 of the Charter become living law and, as such, instruments for social change and social transformation which will result in true equality for women.

CORC was active in the discussions around Meech Lake and suddenly was thrown into thinking about the entire Constitution, not only the Charter. So we come today wondering—there were a myriad of things we could focus on, and we want to begin with some comments on constitutional reform itself.

If one were to judge much of the coverage of this task force, one would believe that you had been mandated as a task force on constitutional reform. I think that this reflects, at least in part, the myth that a little or a lot of rewriting of the Constitution will magically cure all the ills that are perceived in Canada. It is a myth to which we do not prescribe.

A few years ago, I was invited as a speaker at a conference on women, an international conference on women and constitutions. It was a very hot, humid week in Philadelphia, but I learned a lot. One of the primary lessons that I learned during that conference, as I met with especially third world women, was that constitutions are worth no more than the paper on which they are written if those in power are not of good will. No matter how idealistic a constitution seems on paper, unless there is a political will and trust of the citizens to make it the living law, it will not be such.

Chile and Pakistan have wonderful constitutions. Pakistan's constitution includes some equality rights almost as strong as those in the Canadian Constitution, yet in Pakistan, women continue to be stoned to death for committing adultery even when that adultery was a rape.

The introductory sentences of the Report of the Manitoba Task Force on Meech Lake state that changing its Constitution is the most challenging task a nation may face. The constitution symbolizes the past, present and future of a country. Keeping those thoughts in mind, we must ask if this is the time to contemplate major revisions to the Canadian Constitution. We acknowledge the discontent and cynicism, some of which I think is actually idealist—trying not to cry and not cynicism at all—which seems to permeate this country. We are not convinced that constitutional reform is going to cure it.

When one works with organizations that are in trouble, one of the first tasks is to help them come to terms with their history, and it is through understanding history that they begin to understand their identity and to formulate visions for the future. If, in fact, a constitution symbolizes the past and future of a country, it is necessary that we come to terms with our history as one way of articulating or identifying our future.

Our constitutional history is not a long one, and it was only nine years ago that the Constitution was repatriated. It has been less than six years since Section 15 of the Charter of Rights and Freedoms came into effect. In a historical perspective, we as a country have not had time to catch our breath since we last experienced major constitutional change.

There are many issues on which we could comment this morning, but we will confine our comments to aboriginal rights, equality rights, decentralization and the amending formula and process.

The Meech Lake Accord and the ensuing debate certainly brought the concept of distinct society into the Canadian vernacular. Coming to terms with our history, we believe, means coming to terms with the distinct societies which make up Canada's society and culture. Not to acknowledge that Quebec is distinct from the rest of Canada seems to be an attempt to rewrite Canadian history; not to recognize Canada's unique commitment to multiculturalism seems to be an attempt to ignore our history; not to acknowledge Canada's debt to its aboriginal people, we believe, is to deny our history. Coming to terms with our history in relation to aboriginal peoples is of primary importance in any discussion of Canada's constitutional history.

* (1110)

As a country, our treatment of the aboriginal peoples has been outrageous. Included in recent history was the exclusion of the aboriginal people in the discussions leading up to the 1982 Constitution Act, their exclusion from the process, which resulted in the Meech Lake Accord and the concerted attempt to ignore the aboriginal community's justified concerns about the Meech Lake Accord.

When it comes to constitutional affairs, we seem to have said to the aboriginal community: Well, you had your turn after '82, and it did not work out. Well, we may have met the letter of law following the passage

of The 1982 Constitution Act, but we as a country certainly did not live up to the spirit of that law.

CORC is of the opinion that before we as a country can consider any further constitutional amendment, we must live up to the spirit of the law and come to terms with, in the words of the 1982 Constitution, the constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of aboriginal rights, the definition of the rights of the those people to be included in the Constitution of Canada.

This must include nothing short of recognition of legitimate demands for the right of self-government. All discussions to this end must include full participation of both aboriginal men and women. This might begin to ameliorate some of the injustices which we have imposed on the aboriginal peoples within Canada in the past.

CORC was distressed when we received the pamphlet produced by this task force. Our concern was the inclusion of Charter rights and women's rights as if they were up for discussion or up for grabs. CORC agrees with the conclusions of the Manitoba Task Force on Meech Lake that Canadians cherish their rights and freedoms and will not tolerate any real or perceived threats to those rights.

Rest assured that any attempt by any Government to adversely affect women's equality rights will not be tolerated. The blatant disregard which most Governments afford the concerns raised by women about the Meech Lake Accord has made us very wary.

We do want to add here that it was politicians in Manitoba who actually recognized the validity of our concerns.

Our wariness is a reflection of Canada's history. The inclusion of strong sex equality guarantees in the Charter of Rights and Freedoms was not the result of benevolent men with power who recognized the needs for such guarantees. They were the result of a concerted effort by the women of Canada to ensure that we had the world's strongest sex equality guarantees entrenched within our Constitution.

Historically, the Charter is in its infancy. Section 15 has been in effect for fewer than six years. Although the entrenchment of these rights is recent, we believe they do reflect values which have long been held in Canada, values of equality and justice for individuals and for groups of individuals. These rights have become a value upon which Canadian unity can be built.

The Constitution embodies Canada's fundamental beliefs and principles. Canada is a country which is justified in its pride that its Constitution includes clear and strong provisions for maintaining human rights. We see ourselves as international leaders in calling for the protection of human rights in other countries. To be true to this history and these values, all future constitutional amendments must live up to these principles. No constitutional amendment must ever override or derogate from these principles.

Equality rights must be accepted as an overriding principle within Canada. This includes provisions for aboriginal self-government and any negotiations which may be designed to keep Canada into Confederation.

I would like to move on to the whole idea of decentralization, or realigning the provincial and federal powers. Over the last few weeks, we continue to hear echoed the statement that Canada is ungovernable. Clearly that is not true. We have been governed since 1867. This is a disparate country. One of the primary reasons that it has been governable has been an understanding of the common wealth and the common good. These values were integrated in the Canadian Constitution in Section 36 of the 1982 Constitution Act.

Canada has come to understand the need for a strong central Government, with Manitoba providing a voice for this important concept. The most obvious manifestation of this concept have been in the establishment of shared-cost programs designed to ensure that all Canadians will enjoy equal opportunity. They have become a unifying force in the country.

Equality-seeking women and women's groups have long recognized the important role of shared-cost programs. They provide a role in preventing discrimination and in amelioration of the effects of discrimination. We recognize the disparity among provinces and their ability to provide resources for national social programs. This makes the role of the federal Government essential in the funding and initiating of these programs.

Canada and Canadians would be losers if there were a major shift in the division of powers between the federal and provincial Governments. Just as provinces do not have the equal ability to provide social programs for their citizens, provinces do not

have an equal ability to exercise any new powers. The wealthy provinces would be in a position to exercise additional powers while the poor provinces, including Manitoba, would not. With the acceptance of increased provincial powers comes the responsibility of funding of the administration of related programs. In the area of immigration, for instance, an area that cost does not immediately come to mind, we must remember that there was a multimillion-dollar price tag on the agreement between Ottawa and Quebec, that was signed recently.

It seems to us that, considering recent developments in transfer of funds for education, health and other transfer payments programs which clearly come under provisions of the Constitution Act of '82, there is no way that the poorer provinces could assume that the federal Government would maintain any funding needed to increase provincial powers. Devolution of powers will undoubtedly mean devolution of costs. Powers which one cannot afford to exercise are hollow indeed.

A strong central Government does not mean that power is moved away from people. A strong central Government, with a healthy respect for the citizens of the country and an understanding of its responsibility to provide for the well-being of its citizens, should ensure equality for all Canadians.

On to the amending formula, a few comments—first, we have been very surprised at the politicians who have declared loudly and assuredly that the amending formula of the 1982 Constitution does not work and that the Meech Lake Accord fiasco proved that. Well, we did not use the amending formula in the 1982 constitutional Act in Meech Lake, and we have no way to know whether that amending formula does or does not work. Much of the rhetoric we now hear in relation to the amending formula seems to us to reflect a frightening contempt for the right of Canadians to be heard and for the right of legislators to respond to this thoughtful consideration of their constituents. A signature on the proposed constitutional amendment is not and should not be a guarantee that a Legislature can be delivered.

Changing the Constitution is one of the most challenging tasks facing a nation. It is a process which should include extensive consultation with the people and must have the support of the people if it is to be a symbol of the fundamental principles and values upon which we live our life as a nation.

The folly, not to mention the injustice, of excluding women from constitutional discussions and consultations should have been learned after 1982. The exclusion of women in the consultations revolving around Meech Lake was unforgivable. The contempt with which most Governments greeted our concerns does not indicate that lesson has been learned. Never again should there be constitutional discussions which do not include women. It is difficult to know how to ensure that we never again experience an attempt to amend the Constitution without full consultation. I am afraid this question may go back to our earlier comments about good will.

CORC supports the principles and mandatory public hearing process reflected in the Manitoba Task Force on Meech Lake. We would recommend the extension to a three-stage process with a preliminary stage of public consultations around specific issues. We would also suggest that, in any of those consultations, task force or negotiations, women's equality experts be included in the discussions and as advisors for the Governments.

Mr. Chairman: Thanks very much, Ms. Bjornson. I appreciate you helping us with the time situation as well, by summarizing at the end. Questions?

* (1120)

Mr. Lathlin: Thank you very much for your excellent presentation, Ms. Bjornson. I have asked this question before at other places where we have been, but I am going to ask it again here today, and that is, you talked about treaty rights, the definition of aboriginal rights and then self-government and so on.

Then, of course, you talk quite extensively about women's rights and so on. I concur with you there 100 percent. My question to you would be, do you think that it is necessary to define the idea of aboriginal self-government first before Governments can agree to enshrine it in a Constitution?

The reason I ask you that question is because in view of at least three or four developments that have happened in the past in this country where I believe 90 percent of Canadian people did not understand, first of all, what free trade was all about, and then again I remember being interviewed by the press in the spring of 1987 when the draft agreement first came out, five proposals in the amendment and because we knew that it affected aboriginal people directly in a very negative way immediately, I remember being interviewed and saying, women, where are you because you are being affected

negatively as well. Of course, it was not long after that that women's groups came along.

Then we had Meech Lake. People did not support Meech Lake; people did not support free trade; people did not support GST, but the Government went ahead anyway. The Government told us, do not worry about the details today because what this concept is going to do, what this Bill is going to do is, it will evolve.

I have always looked at enshrining the right to self-government for aboriginal people in the Canadian Constitution. People freak out when we say that because they think that nine o'clock tomorrow morning we are going to wake up, and everything will be there right from having our own country, having our own institutions and so on, when I keep saying once we enshrine it in a Constitution, then it will evolve from there.

My question to you would be, do you think we need to define it first, or do you think we should agree on a concept, agree on a set of principles because the majority of Canadians in recent polls support the idea of aboriginal self-government, but I am afraid First Ministers do not.

Ms. Bjornson: Well, a short answer to your question is that we would have no trouble with the concept of enshrining self-government with a set of principles within the Constitution. For an example, equality rights laid out some basic principles and that has evolved. Certainly self-government would evolve, and we would have no problem with enshrining self-government without having all the details worked out.

Ms. Friesen: I have two questions. The first, I wunted to commend you on your attention to process and the amendment formula. I noticed that you talked about two stages of public hearings and that you did not mention referendum. Now we have heard on a number of occasions people talking about the use of referendum, particularly in the changes to the Constitution. I wonder if your group had given thought to that or if you had any reflections on it.

Ms. Bjornson: We have thought about it, have done some discussion on it and at this point certainly are not about to recommend referendum around constitutional change. It seems to us to be—it is a concept for which there is no Canadian—well, there was the Quebec referendum, but within most of the history of Canada it is not a concept that has been part of Canadian Government. It seems to us to be one more way of trying to do a grafting of concepts from one form of government onto another form of government because they are seen as an easy way.

Also at the present time we just do not see referendum as the Canadian way, as one who is just barely a Canadian, but it is not something that we support.

Ms. Friesen: My second question deals with an issue that I think is the major concern for women's groups right across the country and that is that the principal problem that women face is the increasing feminization of poverty. I wondered in what way your brief, or the principles that you are espousing, would address that?

Ms. Bjornson: We firmly believe, as an organization, that the Charter equality provisions should be able to meet that. Unfortunately, one of the things that has happened with the Charter and with the equality provisions is that governments have not been very quick to comply with the Charter and have been more than willing to argue with narrow understandings of what equality means under the Charter.

Also, I think that certainly the principles within the Constitution Act of 1982 should be meeting some of the issues related to economic discrimination against women and the feminization of power—or feminization of poverty; feminization of power would be wonderful, but—in the transfer payments and the commitment to the principle of equity throughout the country.

Unfortunately, I think this is one of those areas where good will is again an issue. The adherence to the principle without what I think is the spirit of the principle has certainly made us rethink whether those sections of the Constitution are strong enough at the present time. It is a progressive kind of thing, and we would ask all legislators, including those in front of us, to commit themselves to ensuring that all of our provincial statutes, regulations, policies and programs comply with the sex equality guarantees of the Charter.

Mr. Carr: Ms. Bjornson, you say in your brief, and you echo the sentiment that we have heard right across the province, that you believe there ought to be a strong central Government in any renegotiation, and that provinces would ultimately be the losers if there were not. While that is the predominant view held in English Canada, that is not the view held in Quebec as evidenced by the Allaire commission report and what we expect from other reports to be tabled soon.

What is the view of your organization on how Manitoba ought to handle that? If it is the view of Quebec that decentralization is in its interests, but the view of the rest of the country that it is not, what is the position of your organization, and how would you advise Governments of Manitoba and elsewhere to deal with that? Would it be your view that some kind of special arrangement should be negotiated with Quebec or that all provinces ought to be treated constitutionally the same way?

* (1130)

Ms. Bjornson: Our view is that the relationship with Quebec need not be the same as the relationship with other provinces and that certainly historically we have been able, under the present Constitution, to negotiate agreements with Quebec that are different than the agreements with the rest of the provinces.

One of the things that we know is that equality does not necessarily mean sameness and that one of the issues for us in the whole Meech Lake discussion was what I called the banquet table or the smorgasbord. Everybody went and ate the entire meal, and we suffered from the indigestion as a result of that. It is not necessary, we do not believe, within the Canadian Confederation, that the arrangement be totally symmetrical.

Mr. Chairman: Thank you very much, Ms. Bjornson. The next presenter is Mr. Stan Fulham. Good morning, sir.

Mr. Stan Fulham (Private Citizen): Good morning, Mr. Chairman, ladies and gentlemen. I had a 12-page brief, but because of the time frame I am going to revise it. I am just going to deal with sections of it, but as a preface I would like to tell you something about myself.

I was born and raised in a French-Canadian community, and I went through my schooling with Les Bonnes Soeurs de la presentation de Marie de Quebec. I have lived in Quebec for several years where I was responsible for all Government and Armed Forces material shipments overseas for Arctic Resupply and this sort of thing for several years. I have lived in France for a while. I have dealt with them as well.

I tell you this because I think I am taking an entirely different approach to the problem of the separation of Quebec. My relatives still live there. In fact, I had nephews who were involved with the FLQ, and my sister and I prayed almost every night that they would not end up in jail. Today they are a little older and I can talk to them. In fact, on Sunday night I spent a couple of hours talking to them about the situation.

They have matured now and they are no longer in the FLQ. Of course not, but it still exists. The cadres of the FLQ still exist in Quebec. That is where the danger is, but it is not with the older people, it is still with the younger people. It is a very emotional issue in Quebec, and that is the reality we have to deal with. You do not sit around and talk about the historical connotations of the languages and culture with them. You do not do that. I have tried that. I have seen, on my occasions, where they just break down and cry about the situation because it is such an emotional thing to them, and they do not give a damn about the impacts on their standard of living. There is the other thing that frightens me.

The reason I decided to make this presentation is because I am very concerned about what is going to happen not only to Canada, but what is going to happen to Quebec because, in my view, when 70 percent of the Quebec people tell us that we are going to separate, we had better take them seriously, that Canada House is on fire.

I think everything else, including maybe aboriginal claims, multiculturalism, day care and what have you, should take a secondary role because, in my view, if Quebec separates, there is little chance of Canada, western Canada and the Maritimes, ever surviving on their own, nor is there for Quebec for that matter. I do not believe that there will be the money there to deal with some of the issues we are talking about, so I think that the principal one now is to deal with the challenge that is before us.

A separation of Quebec would mean a lower standard of living for all Canadians and Quebecers that would drastically reduce international stature for Canada and the accompanying political and economic cost, the possible erosion of the social welfare network, including medicare that would certainly follow Quebec, if Quebec leaves, and the other thing is increased pressures placed on western Canada, through the impacts of free trade, to merge with the United States.

Now the demands of Quebec about their concerns over the last 30 years have been principally, they wanted to get federal initiatives to preserve their language and their culture, Quebec culture, not necessarily a French culture, but a Quebec culture. Ottawa has offered major employment initiatives for Francophones, especially Quebecers, in all phases

of Government with special allocations in Crown agencies, the RCMP and the armed forces. In many federal offices in Ottawa today, up to 75 percent of the civil servants have been Francophone. Quota systems were applied to Crown corporations, and pressure is applied to private corporations which receive federal contracts.

Quebec has gained substantially from equalization payments. Over the years, Quebec has had a significantly larger share of these funds than other provinces. A recent report states that Quebec received up to $136.4 billion more than they put in, in equalization payments from 1965 to 1980 and $95 billion from 1980 to 1988, totally out of balance with its share of the national population.

Quebec has also benefited from other federal programs, for example, such programs as regional economic expansion, unemployment insurance, day care centres under the Canada Assistance Plan. They get two and a half to three times as much funding per capita as does Ontario. In other areas, like language training and municipal projects, federal contributions to Quebec are far in excess than what they are to any other province.

Another recent report states that in one year alone, Quebec received $650 per capita in UIC payments, while Alberta and B.C. received approximately $60 per capita.

Through Ottawa's willingness, Quebec has established its own national offices practically throughout the world from which it promotes its provincial interests and also including immigration. Quebec was granted a special status which allows it to promote a separate national identity at international Francophone summits. Canada's immigration policy appears to favour Quebec at the expense of other provinces. Quebec has been given substantial control over one-third of the country's annual immigration intake. This is a tremendous political power. Such policy control provides Quebec with an international identity and allows it to deal with other countries directly as if it were already an independent nation.

Unlike the other provinces, Ottawa has also extended to Quebec the right to run its own pension plan, separate from the Canada Pension Plan and the authority to issue its own baby bonus cheques. No other province has seen the need to exercise control in these areas. A major thing of concern to me is that as part of this regional development agenda, Ottawa has specifically created within Quebec a high technology industry base consisting of the aerospace industry and the country's space program.

The hijacking by Ottawa of the CF-18 contract from Winnipeg's Bristol Aerospace to Montreal was seen in western Canada and other parts of the country as a blatant attempt by Ottawa to curry favour with Quebec voters. In the process, such a move is interpreted as another attempt by central Canada to maintain western Canada as a resource base for an eastern industry.

However, the one issue which in recent years has shown to be the most divisive yet also the least understood has been Canada's bilingualism policy through the Official Languages Act. The national enforcement of bilingualism has been the most damaging and divisive federal initiative in Canada's history. It is tearing the country apart both in Canada and Quebec.

Now the myth of bilingualism is this. Western Canadians already plagued with a recession, thousands of farmers facing bankruptcy, high inflation and interest rates, and then industries struggling to adjust and survive in a free trade environment see the waste of millions of dollars directed into bilingualism as just another ploy to please Quebec and to force French down our throats. Yet the irony of all this is that Quebec has never promoted bilingualism. Quebec has never tried to force French down our throats. Bilingualism is a federal Government initiative designed and implemented by former Prime Minister Trudeau; for Trudeau, bilingualism was seen as a single most important tool to keep Quebec in Canada. We will make you Quebecers welcome throughout Canada he said when he unveiled this new Official Languages Act with his harsh penalties for violations. Unfortunately, I think he misjudged the reaction that he was going to get from the rest of Canada.

I have discussed this subject with hundreds of people in Quebec from all walks of life, educators, I have talked to the Civil Service, I have talked to businessmen, and so forth. No one there has ever shown any interest in the enforcement of bilingualism in the rest of Canada. The concerns of Quebec were basically the same as those of western Canadians. Quebecers felt that their language and culture were being threatened by external forces, and they, like the Westerners, demanded protective measures from their Government to ensure the survival of the French language and culture.

* (1140)

Rene Levesque said constantly that the French language and culture could not be sustained outside of Quebec. Jacques Parizeau and the Parti Quebecois have said the same thing right from the very beginning. Do not talk to us about a bilingual environment, French culture and the French language in Quebec will never survive in that environment. That is the reality we have got to deal with. The point that I made is that Trudeau's bilingualism policy threatened Quebecers as it did Westerners. Quebec has consistently maintained that its culture and language would be threatened by it.

On this issue, I would like to just refer you to a statement that was made by the editor of Le Soleil to a group of New York businessmen here just a few weeks ago, when he said, confirming basically what I was saying here, that Quebec never did ask for bilingualism.

Now, this is tearing the country apart, the language animosities have been arisen because of this policy, and we must face the fact that Quebec is a distinct society. Now I understand that maybe because of the semantics, people get a little upset when they hear the word "distinct" because the implication to some people it means special, and because it means special it costs us something. Well, then if that bothers anybody let us call it different society, let us call it a separate society, but a distinct society, a separate society is there.

It is a fact and all we have to do is take a look at what has happened today in Quebec. The French language is the language of the Legislature, the courts, the business, communication, commerce and business throughout the province and even with very stiff penalties for non-observance of their Bill 101 and 22, this is the reality, Mr. Chairman, and it is not going to change. Quebec in reality is a unilingual French state. Anyone doubting that should go to Quebec and try to get information from one of the Government departments. It is tough enough to get it from a federal department, you try from a provincial department or try from the municipalities. In many cases they will not serve you in the English language.

My friends in Quebec, and I just talked to them here again the other night, are telling me there was a directive that came through from somebody up in the provincial Government to their Civil Service telling them that they are not to respond or to deal in the English language in between departments even when the question is presented to them in English. I think we have got to take note of this because it is also a reality which Quebec Anglophones have got to accept, and it is also a reality which must be accepted by the rest of this country if we are going to do a deal with a new Constitution.

Bilingualism, as far as I am concerned, should not be entrenched in the Constitution, but the unilingual nature of Quebec and its culture and language should be constitutionally entrenched. Correspondingly, the English language and the nature of the rest of Canada should also be recognized. The House of Commons, the Senate and the Supreme Court should be recognized as bilingual institutions.

Now I could go into the structure of a new Constitution whereby the reallocation of federal and provincial powers, but maybe, Mr. Chairman, I could deal with that later if there is time.

The abolition of the Senate will remove a costly and undemocratic irritant in the federal process, but if need be we may have to accept a compromise between the positions to be staked out by Quebec and the rest of Canada. It may be possible that Canada's bargaining team will convince Quebec to accept a Triple-E Senate, a necessary compromise if Quebec expects the West to accept some of the constitutional demands.

On immigration, they have been given very special status, and provided with $332 million in order to implement this program whereby they get, according to the reports I have been reading, 35 percent of the immigration that they will control. My main concern, Mr. Chairman, is because of my experience there and this thing that I would like to talk to this committee about.

My job, when I lived in Quebec as I pointed out to you earlier in the preface, I was responsible for all the shipping out of the province of Quebec from all of the major contractors of federal procurements for the military and for Government departments. I was also responsible for the Arctic resupply. We had about nine ships leave Montreal on the 7th of July loaded with millions and millions of dollars of all kinds of materials and goods that were going up the Arctic resupply. I was also responsible for shipments going into the United States and to Europe.

I dealt with all the contractors in Quebec, and I used to invite some of my separatist friends to come with me and to see just exactly what Canada was doing

for Quebec. I would invite them to come with me to St-Jean and see the textile industry. Ste-Marie de la Beauce, come with me to Quebec, or Drummondville, you come to Montreal, I will take you to Canadair to CAE AEL, Sperry Gyroscope, United Aircraft and you will see what is happening in Quebec. Your industry is geared to federal procurements.

Canadair alone, at the time I was there, is that it had approximately 18,000 people working in Canadair, but with the other subcontracts and supporting services, the professional and what not services, is that reports I have seen indicated there may be as many as 100,000 people in the province of Quebec who are directly or indirectly affected with employment with these federal contracts. I think that is the issue that Quebecers have got to take a look at. Because, and I used to tell my friends this in Quebec is that, do not think for a moment that Canada will accept providing, or the Canadian taxpayers will never agree to their major federal procurements and some of the provincial procurements out of the province of Quebec, when you are a foreign country. If it is only to safeguard the security of some of the classified material, like we had for the armed forces, there is no way they would ever agree to that.

So, how do we deal with this issue? The unfortunate part about it, Mr. Chairman, I find is that nobody is taking the leadership and telling Quebecers about that. I tried in the French language and I did not get too far with them. I think it is too much of an emotional issue with a lot of French Quebecers, but this is where I think our leadership has failed. It is a serious concern to me.

I could have touched upon other issues, but—

Mr. Chairman: We will read your paper with interest, sir. You have been good enough to summarize it so that you stayed within time limits. We appreciate that. I have given it a speed read while you have been talking, and there are some very interesting things to look at, that you have not put into the record, which we will certainly examine.

Any questions?

Ms. Friesen: I notice that in your paper—I cannot remember if you said it in your presentation—one of your priorities is the abolition of the Senate, that you feel that would be a useful way for Canada to go.

Mr. Fulham: Ms. Friesen, I am not really hung up about that at all. If we end up with a Triple-E Senate, that is fine with me. Again, I think we have to make some major concessions to Quebec. I think that is very, very important. Quebec, we have to agree, never mind bilingualism—let us quit wasting our time and energy talking about it. They will not accept it. We have to accept a unilingual French state. That is what they want, and if they are going to be part of the Constitution, we have to agree to that. They do not want a Senate. I say, I am prepared to compromise on that, too. Okay, there will be no Senate, but maybe—we also have western interests. They say, no, we want a Triple-E Senate to protect our interests. Maybe they can swing a deal.

Ms. Friesen: One of the historic concerns about a unilingual Quebec is, of course, that there are over a million Anglophones in Quebec, more than there are in Saskatchewan or Manitoba. How would you present that to those people in Quebec?

Mr. Fulham: Thanks. That is a good question, Ms. Friesen. I did. I lived there in Pointe Claire. My neighbours were Anglophones and so forth. It was a major concern of all of us. They used to ask me what I would do about it. I was offered some pretty important jobs there because of the fact that I was bilingual, that I dealt with sea shipping and this sort of thing. I used to tell them, I am leaving. I pulled out, and I eventually ended up in Winnipeg. I used to tell them, you can do the same and you will do the same.

I noticed that La Presse, in an editorial here just—I forget—a short while ago, indicated that there were 600,000 Quebecers, mainly Anglophones, who left Quebec between the period of 1965 and 1980. I believe there were approximately 71,000 who left in 1981. That tells the story.

* (1150)

Now the other thing is this, and the Anglophones in Quebec recognize this: Because you are bilingual does not guarantee you a job in the province of Quebec with the French Government. You must be a Francophone. That is the other thing that is very, very distressing to the Anglophones, and as a result, more and more of them are moving out. That is the reason why I say it is too bad. I know that you are very unhappy about moving. So was I, but you will have to recognize that fact, and you will have to move unless you want to change your name and become entirely bilingual.

I think it is a small price to pay to have a Canada with Quebec as a unilingual state within it, although separately we could never—well, let us take a look at the debts. Look at our national debt and our provincial debts. Now there is one important thing. I will mention

it very, very briefly, Mr. Chairman, because I think it is very important that we recognize this. We have been dealing with a lot of threats coming out of Quebec, but there is one subtle threat that really bothers me. You notice they never discuss Government procurements in Quebec. I have tried that with the separatists and the Parti Quebecois. They do not want to discuss that. They think that, maybe if they do not, everything will be fine.

Parizeau made a speech to the Canadian Club, I believe it was, or wherever, and he said, in economic terms, the future of Quebec will be determined on the North American continent and abroad. Half of everything Quebec produces is export, true enough, and protectionism would be observed, answers the question of the future. It is in that light that one had to examine the whole concept of economic association.

Now, you said, one would assume that, given the rules set up in the United States Free Trade Agreement, nobody in his right mind would imagine that free trade and goods and services would not be achieved north-south, east-west. Now, they want free trade, because they think, if they can tie into free trade, this will guarantee them access to federal Government procurements in Quebec, and I think we should tell them it will not. There is no way that the Government—because every Government uses Government procurement to stabilize economy, to sometimes stabilize regional disparities, to protect classified materials and all this sort of thing—will be able to continue giving all these material procurements to Quebec as a gift, in this case, as a foreign country.

The thing that bothered me later on in his speech was, when he said as a threat that we will deal—he said, this is particularly true if one takes into account the large debt of Canadian dollars, when he was talking about the national debt. We will take a quarter of that debt. Do not worry; that is no problem. Then he went on to say that Canada would have to recognize that, in the hands of Quebecers, arising from the distribution of the present money supply and outstanding securities, we would have to consider that, because we have a serious influence upon the Canadian dollar. What he is saying in effect is that, unless we swing an economic deal with you, we may not pay the quarter of the debt that we said we would pay. That would be a disaster for a much smaller Canada. We would not be able to cope with the $400 billion that we have there.

Mr. Chairman: Thank you. Thank you very much, Mr. Fulham. We are going to take a short break now, about five minutes. We will be back to hear the—is the Pembina Anishinabe here, ready to present? Very good, sir. You will be the first one after the break.

* * *

The hearing took recess at 11:53 a.m.

After Recess

The hearing resumed at 12:07 p.m.

Mr. Chairman: Ladies and gentlemen, we are now continuing with our morning schedule. I regret that we are running some distance from number of presenters to finishing those that were scheduled for this morning. The result is that we probably will only be able to hear one more person this morning. I would ask the indulgence of those who were scheduled but have not been heard this morning to understand that we would hear you at the beginning of this afternoon at 1:30. I will now call on the Pembina Anishinabe, Mr. Terrance Nelson presenting on behalf of the Pembina Anishinabe. I was looking in the wrong direction. Good morning, gentlemen. It is good to see you.

Mr. Terrance Nelson (Pembina Anishinabe): We are already here. Good morning. It is still morning, I think.

Mr. Chairman: It is still morning—well, almost.

Mr. Nelson: My English name is Terrance Nelson. I am spokesman for Pembina Anishinabe. Also, I have been asked to present some views on behalf of Anishinabe O Kii Ji Da. Pembina Anishinabe is an organization dedicated to the re-establishment of democratic Government for Anishinabe people. Anishinabe O Kii Ji Da is a peacekeeper society. What the media have termed "warrior societies" are actually peacekeepers, the same as your police officers or your military. Anishinabe O Kii Ji Da is dedicated to sovereignty for indigenous people.

We firmly believe that sovereignty is the best solution to establish long-term peace and justice for our people. In order for us to live in peace side by side, we must have respect for each other. Right now, non-Natives have no respect for Anishinabe sovereignty. This presentation will be strong, because we believe that part of the problem Natives face is the fact that we have a tendency to act like beggars in our own lands.

We do not come here to ask for handouts, to beg this task force or any Government to legislate our sovereignty. For us sovereignty is a gift from the Creator. We do not need any other Government to legislate sovereignty for us. We will legislate our own sovereignty. What we ask for is respect for our sovereignty.

We recognize that sovereignty will be a fact. What we are here to do today is to share our understanding with you. If you are insincere in seeking solutions, then you must be prepared to examine the harsh realities of what this country faces. If you are afraid, then you will end up recommending band-aid solutions, you will rehash the same garbage that has kept our people in poverty, and we will not get anywhere. This will become another forum for debate.

* (1210)

Let us be clear in what the problem is and what the solutions are. First of all, the problem is very clear. In nearly 500 years the central issue is still the same—land and resources—the inability of the Canadian Government to recognize the property rights of the indigenous peoples. In the 1982 Charter of Rights, the fact is property rights was left out simply because they were afraid to deal with the issue of indigenous peoples' rights to property.

Canadian law is in violation of at least 13 articles of the Universal Declaration of Human Rights. That is a fact. There is a denial in Canada and the United States of the right of the indigenous peoples for sovereignty.

While Joe Clark can say to Israel: make room for the Palestinians. He can talk to Israel which has a land base of 8,019 square miles, which has a population density of over 500 people per square mile and tell them to make room for the Palestinians. When it comes to indigenous peoples, he says there is no room in Canada for indigenous peoples' sovereignty. We are talking about a country that is 3.83 million square miles of land. It has over 460 times more land than the state of Israel. Yet there is no room here for sovereignty.

Our lands and our resources, our control over our own lives has been taken away from us. You are not going to give us back control over our own lives. We are going to take it back.

We hope that as reasonable people force would not be necessary, but that is the direction that we are heading to, not because we want it, but it is simply a fact of life that we cannot and will not accept 80 percent and 90 percent unemployment. We will not accept seven- and eight-year-old children prostituting themselves on the streets of Winnipeg. This is a fact that is happening here in Manitoba.

I know that one time we talked about—there was one talk about an American general who was in a fight with the Sioux. When the reporter came along and counted up the dead, among them were children—babies. He was asked the question: Why is it necessary to kill babies? His answer was: Nits make lice. That attitude is still alive today.

When we see our children having to go through this kind of process, then we have to be very strong in our presentations. We cannot allow that to continue. Let me be very honest about this. Native people have tremendous power. We have never recognized the power that we have, and we have never used it.

I think one of the things that we want to look at, and we want to be a little bit clear—I have a lot of paper here for you, and I am going to give this all to you for your consideration, but let us go to some of the issues, the issue of land and powerlessness. Native people are powerless at this point under Canadian law. Here is what Canadian law says about Native people. Indians, when living on a Government reservation, an Indian is a ward of the Crown. Here is what it also says. Other parties having limited powers in addition to minors, insane persons, intoxicated persons and Indians, two other classes have limited power to contract. They are limited companies and alien enemies.

That is where we are categorized, we are categorized with minors, insane persons, intoxicated persons and alien enemies. This is Canadian law, this is why we continue to tell you that Canada is in violation of at least 13 articles of the Universal Declaration of Human Rights. We are not talking about the distant past, we are talking about today. We are talking about the issues today.

There are so many things that we have to clear up. A lot of times Native people will come here very confused. They will talk about culture, they will talk about language, they will talk about a whole lot of other issues. The central issue is that we are powerless to change our lives.

We cannot continue to wait for the Canadian Government to legislate power to us or delegate power to us. We are going to do that. We are going to legislate our own power, we are going to recognize our own power, and we are going to take control of

our own lives. The only question that this task force and any other Government organization has to do is determine whether or not you will have respect for our right to control our own lives.

I want to make one thing very clear in terms of land and this thing in the back here we are talking about. In terms of land, 99.73 percent of Canada is not reservation land. All the reservation lands in Canada, there is 2,260 pieces of land that are called reservation lands. Those amount to 10,313 square miles. That is roughly one-quarter of 1 percent of Canada, 99.73 percent of Canada is under non-Native control. Even on top of that, under Canadian law, Sections 18, 93 and 28 of the Canadian Indian Act technically makes those reservation lands—they are held in trust for us. We do not even own that last one-quarter of 1 percent of our own lands.

What is happening under the Canadian Indian Act is that they have replaced by Canadian law on Indian reservations, a communistic dictatorship. That is what we have on our reservations and that is why we have 70 percent, 80 percent and 90 percent unemployment. That is Canadian law that is enforcing that on us. That is the reason why in Roseau River we have had 80 unnecessary deaths, the majority of which have occurred within the last 20 years. They are occurring among our young people, and we are one of 596 reservations across this country. There are literally thousands of Native young people dying and that is now only the tip of the iceberg. We are just talking about the deaths, and for everybody that is sitting here, these are just statistics, but for us these are our people. This is why we are angry, and we need to have some real change. We need the respect of non-Native Canadians for the right of indigenous people to control our own lives.

Right now when you talk about powerlessness, here is what the United Nations said, in terms of lands. Here is the conclusion of the United Nations: The concepts of "terra nullius," "conquest" and "discovery" as modes of territorial acquisition are repugnant, have no legal standing, and are entirely without merit or justification to substantiate any claim to jurisdiction or ownership of indigenous lands and ancestral domains, and the legacies of these concepts should be eradicated from modern legal systems.

Indigenous peoples have been and still are the victims of racism and racial discrimination, and of the imposition of arbitrary and imposed administrations and regimes which inevitably deny their human rights and fundamental freedoms. That is the United Nations. That is an impartial source.

Colonial laws and colonial concepts are used to justify the imposition of "trusteeship," and other demeaning, prejudicial and racially founded systems which prevent indigenous peoples from exercising their human rights and fundamental freedoms, and result in their impoverishment, disenfranchisement, debasement, demoralization and disintegration. That is part of the United Nations concept—or what they believe in.

Most Canadians believe that billions and billions of dollars have been advanced to Native people—to the indigenous people. In fact, $8 billion a year is expended every year on behalf of the suffering of Native people.

There is an army of 12,000 civil servants right across this country who use up those dollars. We as Native people are not getting those dollars. One of the things that the Manitoba Government should be looking at is the fact that you have a responsibility to the taxpayers, the people who are right now suffering under the GST, the income tax and everything else that is happening to question where those dollars are going. They are certainly not coming to us.

Because we have 70 percent, 80 percent, 90 percent unemployment on our reservations, a lot of our young people have no choice but to be on welfare. One of the things that we want people to recognize is that a single person in my home community gets $116.30 every 15 days to live on. We are not living on $8 billion a year. We are getting nowhere near those kinds of dollars.

Brian Mulroney said that the Canadian Government spends $13,000 a year on every treaty Indian. If that is true, for a family of five that is $65,000 a year that is spent, but it is not spent. It is not reaching the Indian people. Most of our people are still impoverished. They still end up with the same kind of problems, and it is because of the enforcement of the Canadian Indian Act.

What the Canadian Indian Act is, is communistic dictatorship, and the Indian Act has to be abolished. We in our community have now gotten to the point where we have now legislated Section 74 of the Indian Act out of existence. We are taking control of our leadership.

One of the things that is going to happen and what you are going to see in the next little while is that we are going to be asking the Assembly of Manitoba

Chiefs, the Assembly of First Nations, to get out of the Indian Act.

There will be a peacekeepers' conference, June 16, 17 and 18, here in Winnipeg. We are inviting people right across the country. We are inviting people from the United States to talk about the issue of our fundamental rights for indigenous peoples.

What is happening right now is our people are very powerless. The only power that is in the reserve is the chiefs and councils, and there are situations that are going to happen. One of the things that is going to happen is that there might end up being violence between the chiefs and the people that they are administering the Indian Act to.

This is one of the things that we want people to start to understand. I cannot sit here in 20 minutes and tell you all of the problems, but we do have solutions, and we want to be heard.

Every time that we speak strongly, the media turns on us and calls us radicals, dissidents, and they dismiss us, they dehumanize our people. A long time ago they killed our strong leadership; today, it is character assassination in the media. By dehumanizing us in the media, you dismiss the legitimate concerns that we have. There are concerns that we have in Buffalo Point. There are concerns that we have with the abuse that is going on by chiefs and councils on their own people. We have very strong concerns, and we would like to be heard about this. As I say, I cannot tell you all this, I cannot present everything that I have to.

One of the things is very important. I had a conversation in 1978 with a prominent member of the African National Congress. At that time he said, why are Canada's Indians not going to Third World countries? At that time I laughed and I said, what the heck, what does that have anything to do with? He said, Canada is only one Government. If the Canadian Government does not recognize your basic human rights, Third World countries can. That is the direction that we are going in. Canada is only one Government. We are going to seek international solutions.

One of the things that you should be aware of: One-third of Canada, the Yukon territory and the Northwest Territories, is under the control of the Inuit people. Within 50 years, all known resources will be depleted. People are going to be interested in the Northwest Territories.

The fact is that the indigenous peoples of this country do not need Canada. We do not need the Canadian people, you need us. You need our lands and our resources. We fund you, you do not fund us. Ninety percent of the revenue that the Canadian Government acquires is through the sale of resources that legitimately belong to Native people. We are not here to beg for a little bit of money, we are here to tell you that we will not continue to fund the Canadian people through the sale of our resources, resources that legitimately belong to us, and we intend to stop funding the Canadian people, that is what we were intending.

As strong and as forceful and maybe as—you might think that we are talking off the top of our heads, but this is a fact: One-third of all jobs in Canada are directly dependent on the sale of resources. Those resources belong to us. We want a fair share of our own lands, we want a fair share of the resources in this country, and we do not want to have to beg for free federal funding, because there is no such thing as free federal funding.

One of the things that you can do is, we should be employing Native people. Get the unemployment rate on Indian reservations down. Ninety percent unemployment is genocide when you consider the fact that in the great depression, the so-called great depression, the highest national unemployment rate in the United States during the great depression was 25 percent. We have 90 percent unemployment on our reservations, and you expect that violence will not occur? You are wrong. Thank you.

Mr. Chairman: Thank you, Mr. Nelson. Any questions? Thanks again, sir.

We, of course, have your written text, which we will also read. We appreciate that you summarized it, very powerfully I might say. Leave anything else with us you may care to by way of written, and we will certainly look at it.

Ladies and gentlemen, we will adjourn now until 1:30 p.m.

* * *

The hearing took recess at 12:28 p.m.

After Recess

The hearing resumed at 1:38 p.m.

Mr. Chairman: Good afternoon, ladies and gentlemen, both at home watching on television and here in the audience this afternoon.

First, if I may introduce the Members of the task force who are here with me this afternoon. On my left, at the end of the table is Mr. Jack Reimer, the Conservative Member of the Legislature for Niakwa. Next to him is Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley. On my immediate right is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Crescentwood. On my right, the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister for Constitutional Affairs, Minister of Justice in Manitoba. On my immediate right, Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital. Mr. Oscar Lathlin, the New Democratic Member of the legislature for The Pas will be joining us very shortly and will be sitting at the end of the table on the side.

We did not finish our agenda this morning, ladies and gentlemen, I regret to say. That is because we had some very interesting presentations and they tended to go the full 20 minutes. Therefore, I will start with the remainder of this morning's agenda and when we are finished that, we will go on to those who are scheduled for this afternoon. I offer my apologies both to those who were kept over from this morning and also to those who will therefore have to wait a little bit this afternoon. The first presenter this afternoon is Mr. John Wynen.

Mr. John Wynen (Private Citizen): Good afternoon, gentlemen—oh, ladies and gentlemen, I have to say. I am not used to this as much you guys are, but you got all the things in front what I presented to the committee from Mr. Charest, and I admitted to the upstairs from future Canada and so I want to—you can read that. Maybe if Mr. McCrae would like to read it for the people, maybe he can read better than I can. Could you, please?

* (1340)

Mr. McCrae: Mr. Chairman, I have nothing in front of me at this point.

Mr. Chairman: Do we have Mr. Wynen's presentation?

Floor Comment: Mr. Wynen, have enough confidence in yourself and just speak forward and present it yourself. That is why you are here, sir.

Mr. Chairman: I think that Ms. Ducharme is right, sir. We would be happy to hear you read it. It is your presentation.

Mr. Wynen: Okay, why not. Hang on for a minute. I am not that good at reading; maybe, anyway.

All Members of the special committee studying the proposed companion resolution of Meech Lake Accord, so I send this as saying to—in concern to Meech Lake, I can say that to this conference now, too, ladies and gentlemen, the best for Canada. Would you consider to keep Meech Lake, that is, would you consider keep it a little bit going to have things that we can talk it over on a special occasion, so to say—and that seems to be now—for one more year to make ways so that the new Constitution could be made?

People, 120 years ago, could not have foreseen what global changes were on hand. May I propose a whole new Constitution and, on the other hand, do not tell me Canadians are not smart enough and should have the brains to do that. Consult the citizens of Canada and let them hammer it out, yes. Yours truly, J. Wynen.

If you want to phone about that, I have here a bunch of phone numbers. Maybe I do not have to read out that there—our Lieutenant-Governor our Governor-General for Canada, Mr. Hnatyshyn, from P.E.I., Nova Scotia, New Brunswick, Newfoundland, Quebec, Ontario, Alberta, B.C., Manitoba and Saskatchewan. The phone numbers are behind it. I do not have to read them out. You can see that later in the book that I am going to give you, I suppose.

Yes, this is, so to say, just a start and is on the other hand a takeover from that other committee. I presented another one on the Meech Lake Task Force at that time, although it looked to me that our persons who were at that, they did not look from what was written down. They did not even see what was actually tried and asked from them that they could look into it, that they should expect the people from Manitoba to be recognized and not just be thrown around. I can say so, I have been thrown around, because I have been a good Canadian, so to say. I have tried everything I could do to be a good Canadian. Well, it comes to it this way, that I have been handcuffed for it, taken in police custody, had to go to court. To just try to talk to somebody could have cost me $2,000 if I would have lost, but I did not lose, but it was against Mr. Filmon and in one way against Mr. McCrae.

There is one thing to say that I am quite satisfied with, that I did not lose because the judge told me he could have given me a $2,000 penalty. He seemed to be smart enough not to do it, because I cannot afford to pay $2,000 just for five minutes to talk to one of our officials who is a little bit obscene and a little bit out of this world.

Mr. McCrae, I just have to say it here, I have asked you lots of times to tell you personally, but you never tried even to listen to me. At least your secretary is, so to say, unless—it is your secretary, because your secretary threatened to send a court order from you to me that I am not supposed to talk to you. I am not supposed to phone anymore. I was bothering him too much. If that goes on, and if something like that goes on while in Manitoba, then something must be wrong; something must be fuzzy. Why would it be that the person had to put up $2,000, taken in police custody and dragged all over the thing? I lost my job with it, my future. My family has this trouble, and you just do not want to listen for five minutes? That is just a little bit too much.

Floor Comment: Okay, keep your voice down, sir.

Mr. Wynen: Oh, I am a little bit loud. I have to yell on the telephone all the time, too.

Floor Comment: Okay, okay, okay, be calm, sir. Be calm.

Mr. Wynen: You do not have to tell me that. If Mr. McCrae wants to say it is against the law, then he can say it.

Floor Comment: Okay, it is not law. We are talking about Canada here.

Mr. Wynen: Yes, we are talking about Canada, okay. I know that you are sitting, everywhere you are sitting there in front of them, and maybe you are asking maybe to give me my time. No, I will take my time. I do not care who I am going to hurt, but I am going to tell it because I have been hurt enough as it is. You can say whatever you want.

So to come out with it that we have to look into our Constitution, it is my just request not to say you have to, but the only thing is—and I think you cannot get beside this. Why do you not let the people decide? What is the use of you guys sitting there just listening to somebody telling what it is they are wanting? Somebody comes up here while he gets the friend's history. What do we need the friend's history here for now? We need it now. That is all we have to have.

It is not that much different. Why would we not be able to make a new Constitution? Everything seems to be buggered up anyway as it is now at the moment. If you just look in the paper, everything you hear is Quebec, Quebec, Quebec. What do we have? We have Mr. Mulroney sitting in Quebec. Well, he is dragging everything to Quebec. I can blame Mr. Mulroney. He is in Quebec. Mr. Mulroney should—as I say, you are not supposed to be loud sometimes too—you have to say something, and if you say you are neutral, then you are supposed to be neutral and not trying to push somebody around and trying by the other hand, you are trying to pull the other ones in. It is not all alone that it was Mr. Filmon. I have tried lots of people. I have tried the mayor of Winnipeg; I tried him a lot. I have tried our Lieutenant-Governor. I have tried our RCMP. I have tried our City police. I have tried City Hall—all over the place. I have tried the Lieutenant-Governor before, Mrs. McGonigal. Yes, that one too. That is where it started about 12 years ago.

There is no doubt about it, I feel that something is—you are trying to hold something back and I do not know what it is, but for Pete's sake, if I should be able—why put up $2,000 just to talk five minutes to somebody, to Mr. McCrae or Mr. Filmon? What are you guys made from, from gold? The only thing that I have tried to stay—I am a PC and I dare to say it, and I am standing up for every Party that is for it, that I will defend the PC, but if the PC is going to drag me through the mud like they are doing now, well, then there must be something wrong again. I was hoping that we could have some changes made, Mr. McCrae, and that I would have a chance to talk to Mr. Filmon, because there is a lot more to shape than it is.

* (1350)

If there is here in Canada still a Constitution, and there is a public political thing going here, then I think it is in the Constitution too, that it is not supposed to drag somebody through the floor for it and let him lose his job and everything goes haywire. Well, if you want to defend that, I will feel it as a PC that you want to defend something else as a PC. Well, I do not like that, Mr. McCrae. I have talked to all of you guys and the women, too. A couple of weeks ago, I phoned—Render? Yes, you know me. Friesen? Well, what do you say? I have asked you the same thing. That was all, that I am not supposed to come here. I would have kept it under you guys. No, you did not listen.

I have to here put it straight in front of Canada. Yes, I do not care and I do not mind. I put it right in front of Canada and let them see and let them ask if there is anybody who has voted PC who will have to give Mr. Mulroney his mandate and that Mr. Mulroney still has his mandate, but all the people who voted for him, well then they think he is wrong. I have asked Mr. Mulroney too, and I have tried to phone him too, and I have the RCMP on my door to come and shut me up. If you guys want to hear that, well it is okay. You hear it now and you can put it on television whenever you want to, everyday, every minute of the day, and I do not care. I still hope that our guys who voted PC, that they come up and phone me at 775-3322 and tell me what they want, that Mr. Mulroney is still sitting for us for the PC. If he is sitting in Quebec, they might as well make the big change.

Like I heard—well, you do not have to read about Quebec. There is something different, did you hear it this morning? One guy is getting the history out, and one guy is getting something else out, and the other guy, well, he says that Quebec does seem to be smarter. Yes, I was at other meetings too. There was a guy saying, well, we have to get immigrants because we are not smart enough. Okay, are we? Are we not smart enough? Huh? Are we calling ourselves dumb? All right. Call yourselves dumb, but just do not try to do something about it.

Mr. Chairman: That is the end of your time, sir. Are there any questions? Thank you very much, Mr. Wynen.

Mr. Wynen: Well, Mr. McCrae, if possible, I still would like to talk to you, if it is possible. That is why I came here. Otherwise I would not have come here. If you would have been reasonable and would have talked to me before, I would have told you in your office. I do not have to put it all in Canada, but now all Canada knows and maybe it is the better for it. Thank you.

Mr. Chairman: The next presenter on behalf of the Immigration Section of the Manitoba Bar Association, Mr. Kenneth Zaifman.

Mr. Kenneth Zaifman (Manitoba Bar Association, Immigration Section): Thank you, Mr. Chairman. I know that you have a full schedule of presenters, so I will try and be less lawyerly and perhaps more practical in my approach to this issue. Perhaps that has something to do with the days that you taught me political science at the University of Manitoba.

The issue that we wanted to raise before this committee is in many ways a narrow one, and I will keep it that way, because I know that the committee has heard and will continue to hear representations on the broader issue.

In a summary form, the immigration policy which is of concern to our group, and to a certain extent I am speaking here personally, but generally reflects concerns of immigration lawyers in this country is that immigration law is a divided responsibility under the Constitution Act of 1867. What has occurred in the last short period of time is that a number of provinces have taken on added and significant responsibilities under that provision of the Constitution. In fact, the amending formula that was contained in Meech Lake contained certain specific provisions with respect to immigration.

What we have at the present time is the Immigration Act, which applies to the selection of immigrants for all of Canada with, essentially, the exception of one province, and that is the Province of Quebec. They have through a series of agreements which began in 1978, called the Cullen-Couture agreement, and which culminated in an agreement signed just yesterday between the Minister of Immigration, Barbara McDougall, and Mrs. Vezina, where the Province of Quebec had, according to the former agreement, been able to select immigrants according to selection criteria established by the province.

This last agreement, which was signed yesterday, seems to provide them with a finite or a fixed number of immigrants or a percentage of the flow of immigrants to Canada who will be destined to Quebec. Now I do not think that we should take the approach of looking at that as a negative factor; it is a fact of life which we must live with. So any constitutional amending formula or any constitutional process which the province participates in must then look to how Manitoba and other provinces would select immigrants, and what the framework is within which, in a constitutional sense, the priorities of the province can be enshrined either in a formalized agreement or in some constitutional agreement.

Now the Canadian immigration policy has been broadly defined in the Immigration Act. We have seen that, practically speaking, the number of immigrants who have been destined to this province and the prairie provinces in general—and I think the Maritimes would also fall into this category—shows us that most of the immigrants have not resettled in this area. They have essentially settled in Quebec, Ontario and British Columbia. The percentage of immigrants coming to Manitoba is, in the greater

scheme of things, relatively insignificant. It then becomes a priority. When you look at the other factors that we must deal with in a constitutional framework, we have to ensure that those priorities that we have set can be met.

Now it is not for me to tell the committee or the Government or whoever is making these decisions the types of selection criteria they must establish, but it is very clear to me that the province must have either a formalized agreement in the interim period or an agreement which is placed directly in the Constitution which assures clear and distinct provincial input in the selection of immigrants. The sad fact is that the population of the province of Manitoba has remained very stable over the last number of years, and in fact we have a hard time keeping the people in Manitoba.

There are many people, if you look at the world situation, who are migrating in greater numbers than ever before. These people are, generally speaking, highly trained, qualified and motivated. I leave aside for the moment our obligation under international treaties with respect to refugees which is something that I do not want to dwell on at this time. There are movements of people who are looking to resettle, who when faced with the possibility or the prospect of settling in Canada would welcome the opportunity. The difficulty is that the selection criteria that is established on a national basis is geared as much toward downtown Toronto or downtown Vancouver as it is to downtown Portage la Prairie, or Winnipeg for that matter, so it is going to be I think pivotal in the next number of years, if there are going to be any people in Manitoba that are going to be left to worry about a Constitution, that we have to increase and be in a position to select the kinds of immigrants that we want to resettle here.

* (1400)

Meech Lake would have formalized that for the Province of Quebec and given provinces the opportunity to do that, and in fact what has happened is defacto the federal Government has incorporated that into an agreement with the Province of Quebec. Whether it can be implemented or not is problematic, because once a person is a permanent resident of Canada, he cannot be restricted in his movement within Canada, and that is an issue that all the provinces and the Province of Quebec will have to face.

The key here is that it is a question of what is the role of the province and there is, I have to tell you, divided opinion among those people who look at Canada and see the potential of having 10 provinces, each with their own individual selection criteria and many of us are concerned that this would create in effect 10 separate and distinct immigration policies which could vary. It may be an area for mutual agreement between provinces of similar profiles. I do not think that the kind of agreement that would be in place in Manitoba would be all that different than might be in place in Saskatchewan or in Alberta.

This is a real issue I think for the committee because it is the issue of the '90s. Quebec, and I do not say this to be critical, has seized it. It is the first agreement that they signed of significance post Meech Lake and I do not think that point should be lost on this committee. The issue, though, for this committee to decide is: Should the province incorporate this type of agreement, how can it do it, and is it in the best interests of Manitoba?

I wanted, as I said out the outset, to keep my submission brief, because there are sort of technical issues that can be raised which I think really are not that critical for this committee to be concerned about. I can tell you, from knowing the priority that this has been placed in other provinces, and Quebec is not the only province that is looking at this, that if Manitoba, in its constitutional process, does not incorporate a significant role for this particular issue in a constitutional-amending process or in the Constitution itself, it will fall by the wayside, because other provinces will make it a priority and have the ability, both by their economic position and the fact that there is a natural attraction to certain parts of this country. That will give us all cause for concern.

The point I would like to leave you with is that this is certainly and definitely a role for the province to participate in in a very significant way. It is not a side issue. It is not an alternative issue. It is one of the more critical issues for this province to address. I think my own view is that the province, unless it is going to take a back seat to other provinces, is going to have to be very pro-active and link this, if necessary, with other issues which are of concern to other parties. Thank you.

Mr. Chairman: Thank you very much, Mr. Zalfman. Unless you have changed the spelling of your name, sir, I remember you on the class list very well. I remember you a lot more than just on the class list. It is Z-a-l-f-m-a-n.

Mr. Zalfman: That is correct.

Mr. Chairman: Our list shows you with a just slightly misspelled name, and I want to make sure the record is correct.

More to a matter of substance, would the Immigration Section of the Manitoba Bar be prepared to advise us further on what you think the contents of such an agreement with Ottawa should be in the form of sending us something in writing.

Mr. Zalfman: Yes, I was going to indicate that this is something that I would be prepared to do and to give the committee as sort of a general framework within which it might view this issue. I would be prepared to forward you a written presentation on that point.

Mr. Chairman: I think that would be very helpful to us if you could do that. Questions?

Ms. Friesen: I had two, and they could be incorporated into the written presentation as well. I would like to know from your perspective what the advantages and disadvantages are for embedding this in the Constitution, which I think is what you are advising us to do, rather than leaving the perhaps more flexible option of bilateral arrangements such as Quebec has reached. Am I misunderstanding at what level of constitutional procedure you are talking about?

Mr. Zalfman: No, that is a very good point, because the question that raises is that up to now Quebec has been the only province which has taken advantage of these bilateral arrangements. My hunch is that in any Constitution other provinces are going to want this right embedded in the Constitution.

The difficulty with a bilateral arrangement is that it is one which is subject to change over time and in effect it does not solidify the right of the province to have an active role in the selection of immigrants. Right now it is in effect a shared responsibility with federal paramountcy but, in effect, it has been a federal system, and there are consultative agreements which seven of the 10 provinces have signed. Unless you can advance a legal right to select immigrants, you may have difficulty because the bilateral arrangements are subject to nine other bilateral arrangements. The objectives of the federal Government may change from time to time and may be different from those of the province.

Now the mechanism by which you entrench in a Constitution perhaps could in effect be the subject of a bilateral arrangement, but I think the reality will be that in any Constitution that emerges, if Quebec is going to be part of that constitutional arrangement, you can bet it is going to be in the Constitution. If it is going to be in the Constitution, and I think that is going to be, at least in my view, an inescapable reality that the provinces are going to have to face, then we should be ready with our own basis for getting into the game. In the interim, a bilateral agreement is all that we have or could have.

Mr. Chairman: Any other questions?

Mr. Carr: Mr. Zalfman, you mentioned en passant that there is a section within the Charter that deals with mobility rights. How would the establishment of selection criteria by provinces individually relate to the Charter and the ability of Canadians to move freely from coast to coast? Do you see that as contradictory, or how would you massage one against the other?

Mr. Zalfman: Well, I think that, as I interpret the law, once a person is a permanent resident in Canada his mobility within Canada cannot be restricted. The Province of Quebec, early on in the game, learned the lesson that it was selecting a great number of immigrants and perhaps at best one in three, or one in four, stayed in the province of Quebec. I am not so naive as to think that those who maybe indicate Manitoba as their first choice will ultimately end up here, especially in light of the fact that Manitoba, or other similar provinces, may have a more relaxed selection criteria just by virtue of the fact that we are trying to attract people to this province.

There are ways to do it because the issuance of permanent residence is not the only way a person can obtain entry into Canada. For example, if I was making a proposal I would give people what is called "conditional entry." It is done now with, for example, business immigrants who are required within a period of two years to satisfy the immigration authorities that they have established a business, which was the condition of their entry.

Now you may not be able to attach residency because of the Charter as a condition of entry, but you may then allow people to enter on a temporary type of entry, an employment authorization of some sort, which on the second anniversary date—once a person has satisfied an immigration officer or provincial authorities that they have resided in Manitoba—would then convert into permanent residency. It is done now for select groups under our existing law without any changes. Now, whether it is within a proper legal framework or not is an issue, but it is done now. One example is foreign domestics who are selected as immigrants, but the selection criteria

is relaxed. They are essentially selected in the immigrant stream but are given an employment authorization. Two years from the date of their entry, subject to them satisfying an immigration officer they maintained employment and upgraded themselves they can become permanent residents.

There is the ability to do that within the Charter, and then there is a question of whether you want to amend the Charter or the notwithstanding clause, but you can tinker with the system without changing the Charter.

* (1410)

Mr. Carr: Would you see the necessity of provincial Governments establishing recruitment offices around the world, or do you see that all continued to be vested in the Government of Canada?

Mr. Zalfman: Well, I am somewhat impressed by the system that the Australian Government has. I think—again, this is my own personal view—that it may not be feasible for the Government of Manitoba to establish offices on a worldwide basis from both a financial point of view and for other reasons. The Government of Quebec has a very large and significant presence in a number of offices all over the world, but the Australian Government contracts out the selection of immigrants. They restrict it to business immigrants, but what they do is they have private firms, usually accounting firms or law firms, who have, in effect, a contract. They have the selection criteria, and they prepare them in a certain way. They go out and select the immigrants. The final selection decision is made by the Australian Government. It can be made in Manitoba or in one or two offices throughout the world, and it works quite well.

I mean, Manitobans, or those of us who travel and do this work all over the world, in many ways know the province best. These officers, notwithstanding their best intentions, do not really know Manitoba. It is hard for them to explain the benefits and sometimes the negative aspects of the province, but certainly the benefits. It can be done without creating a huge bureaucracy and a huge expense, and the monitoring can be quite strict if the selection criteria are done properly.

Mr. Chairman: I hope you will put all of this in writing for us. It is very helpful.

Mr. Zalfman: Yes, I will put it all together for you.

Ms. Friesen: If I could make a request in your follow-up brief that you do explore a little more of the difference between a provincial policy and a regional policy or a grouping of provinces which you seem to leave the door open for. Thanks.

Mr. Zalfman: Okay. Thank you, Mr. Chairman. It is nice to see you again.

Mr. Chairman: Thanks, Mr. Zalfman. You are flying off somewhere, I gather now.

Mr. Zalfman: Yes.

Mr. Chairman: Have a good safe journey.

Mr. Zalfman: Thank you very much for hearing me. Bye-bye.

Mr. Chairman: The final presenter left from this morning is Mr. Sel Burrows. Then we move to the afternoon agenda. The next presenter will be Theresa Ducharme, chair of the People in Equal Participation Inc. Sorry you have been kept waiting so long, Mr. Burrows.

Mr. Sel Burrows (Private Citizen): Well, you have to be patient. Thank you very much for allowing me to be here. As you know, my name is Sel Burrows. I work as a community economic development co-ordinator in the inner city of Winnipeg. I think it has been a long morning for some of us and I plan to be very brief.

I want to make three points. I think there are three points, while not in total of the major points that need to be considered in the Constitution but are crucial points, that if they are not considered seriously will result in any changes in the Constitution to be null and void and result in another failure.

The three points are, a constitutional justice for aboriginal people has to be the first priority for any constitutional change. Secondly, the concept of equalization payments and federal-provincial cost-sharing is one of the crucial factors that keeps Canada together. Finally, I think we must finally recognize that the Senate serves no legitimate purpose and should be abolished.

To expand on these points, the Assembly of Manitoba Chiefs have issued a statement that includes six points that I would like to reiterate to emphasize that these positions are not strictly the positions of the aboriginal people of Manitoba, but are strongly supported by many people from the mostly white dominate community.

Constitutional justice includes six principles: (1) The recognition of our aboriginal peoples as the fundamental and original characteristic of Canada. (2) The recognition of aboriginal peoples as distinct societies with protection for aboriginal languages,

cultures, traditions and institutions. (3) The recognition and protection of the inherent right of self-government of aboriginal people. (4) The recognition and protection of the right of aboriginal title. (5) The fulfillment of all treaties including the land claim agreements signed between the aboriginal peoples and the non-aboriginal governments. (6) The right of aboriginal peoples to participate as equals in the process of constitutional change.

I think it is crucial, as the dominant society found out in its consideration of Meech Lake, that if these principles are not considered in any new constitutional debate that it will not be just Elijah Harper saying no on behalf of the aboriginal people and many other people, but the entire society of Canada will be saying no to any constitutional change.

Secondly, I am seriously concerned that the issue of Quebec's cultural identity is going to overlook the important economic fabric of Canada. Working in the inner city, we were probably the first to see the impact of cutbacks on cost-sharing agreements, but the principles of cost-sharing affect all Manitobans and all people in what have traditionally been called the have-not—and I want to make it clear, have-not economically—provinces. Overlooked in the Meech Lake debate were really the ecstasy of Ontario, Alberta and B.C. at the potential of escaping payment of equalization payments and the elimination of future major cost-shared programs.

The land that is Canada has not equally divided its resources. The transportation policies of over a hundred years have further exacerbated the economic inequities of our country. Equalization payments and crucial national cost-shared programs such as medicare, post-secondary education funding, Canada Assistance Plan, et cetera, are crucial to Canada's survival, and there are going to be more needed national social programs. Any constitutional proposal that transfers more economic control to the provinces weakens the weakest provinces and thereby weakens Canada. The principles of income redistribution which have been the principles of Canada from it inception must be maintained.

Finally just a comment on the Senate. I think the Senate is an anachronism, that either elected or appointed Senates will not serve Canada well. It has not served Canada up to this point. Its costs in the millions of dollars do not justify its role. The present payoff system for old political cronies would only be replaced by Party hacks still more loyal to their individual Parties than to any region. Democracy depends on the principle of one person, one vote.

Some people have referred to the U.S. Senate as a model for Canada. I think at this point it is important to recognize that in presidential elections in the United States they have approximately 45 percent of the people voting. In non-presidential elections they are down to 15-30 percent. We do not want to follow a model that disenfranchises people because they feel that their elected representatives are irrelevant.

Occasionally we get an elected Government that is so totally out of tune with the nation that there flows some sense of need to change the Constitution. We have that situation now with even the Premier of Manitoba (Mr. Filmon) finding it difficult to say he would want to vote for his own Party's Prime Minister. It is clear we have an abnormal situation.

* (1420)

It is important that Canadians do not panic. We do not want to introduce legalistic systems that would destroy the positive sides of our Constitution in an attempt to control a short-term situation where we have a Government that is introducing legislation that is not in tune with the majority of the people of this country. The voters of Canada will have their say. They will reverse the damage done to our society at the next election. Changes in the Senate would not make a difference to the existing problems we have with legislations such as the Free Trade Agreement, the goods and services tax, et cetera.

The main focus of constitutional talks should be constitutional justice for the aboriginal people of Canada. This task force must reinforce the principles of equalization payments and national program cost sharing. Parliament based on one person, one vote, will serve the Canadian people well and there is no need for a Senate. Thank you very much.

Mr. Chairman: Thank you very much, Mr. Burrows. Questions. Thanks again, sir.

Ms. Theresa Ducharme (Chairman, People in Equal Participation Inc.): Is it fine if I sit here?

Mr. Chairman: Yes, ma'am.

Floor Comment: You will sit beside him.

Ms. Ducharme: No, it might be too close. Sir, just leave it on the table. I do not want to have them disabled before they know what they are doing. There you go. Mom, would you sit and join me, dear.

Well, I congratulate you for sitting patiently and overlooking everybody else's needs. I accept the fact that you have assumed a responsibility, possibly beyond you own ability or disability or possibly your patience, and I thank you for maintaining yourself, as good people of Canada, to support all our needs and listening to Mr. Mayer and everybody else who was here this morning and this afternoon and complimenting us by offering your services and most of all your time to us.

I am here today as a representative of People in Equal Participation Inc. As a disabled person, I am well aware of how fortunate I am to be a Canadian, for I am recognized and accepted as a citizen equal to all regardless of religion, nationality or ability. That is why I am a Canadian because I am accepted, and I am recognized because that is why you people are here to help reinforce that by a new Constitution or possibly by just reviewing it and supporting all our needs by listening to us and working with us. This right is entrenched in the Charter of Rights and further guaranteed through our democratic process.

However, the current political and constitutional crisis puts that very right at risk. There are several key instances which are both symbolic and systematic of the threat to the rights of Canadians. The first of these is Quebec's assertion of itself as an entity distinct, apart from the other institutions of Canada. It is impossible to have a country, a strong nationhood, with one province believing that they are all of Canada. The classic example of this is the expensive, underused and discriminatory policy of bilingualism. This policy is obviously unneeded in most parts of Canada and has become an economical drain and an obstacle for many otherwise qualified prospective Government employees. However, this special status for French has been entrenched by the law of the federal Government. This favoured treatment has recently spread into the business world with the relocation of major corporations such as Air Canada, VIA Rail to Quebec.

I blame Canada more than I blame Quebec for the present situation. The fact that our nation is now faced with the proposed referendum, imposed on the future of Canada by Quebec Premier Robert Bourassa's 18-month ultimatum, is detrimental to all of Canada. This is the direct result of a central Government which is no longer strong enough to implement change and maintain some form of direction. We have a federal Government. We have a good Government, and that is why we choose to go vote; we have the democratic process and we should compliment them by continuing. Right now, we have an Elections Canada lawsuit with the Canadian Paraplegic Association suing Elections Canada as they placed the wheelchair first over the person's needs.

In 1984, I went to vote in the provincial election. I got into the school; my wheelchair was accessible, but I was not. My arms could not work any longer. I could not place an X on my ballot and they said, I am sorry, but your attendant is not qualified to put that X on there, so, Mrs. Ducharme, you are unable to vote.

I wrote a letter to Elections Canada to ask if I could intervene, if there is anything—we have illiterate people, we have people such as Mr. Wynen, who was here earlier, who could not speak and convey his message. We have deaf; we have blind; we have everybody, but why place the wheelchair first before everybody else's needs, and why not give us the chance to vote, whether our health condition or weather condition, because one vote, one person per Canada should be recognized first and foremost, not the building. The building does not make it possible, it makes the person possible to vote. Having an enumerator with the witness come to our home, or to the location of our choice, so that we could have a vote on a ballot, because who says that we can make it out of our bed that day, whether we are at our home or whatever location we have chosen, but we have the right to vote because we are in a democratic system where you have a good country and we should respect that country.

That is why I came here, with all my difficulties, because I would not miss the chance to be here to help you people do a good job of why we have placed you in that position to do so.

Clearly the demands and needs of some Canadians are being favoured over those of others. Nowhere is this more evident than in Quebec's "one people, one language" policy, as set out in Bill 101, nor at no time more evident than during last summer's crisis at Oka, Quebec.

Canada is a country of diversity, but one devoid of unity or equality. If true, equality could be found in our diversity, there would be no Department of Indian Affairs, and the Department of Multiculturalism would suffice. Disabled citizens would not be granted freedoms in proportion to their disability where the most disabled are regularly discriminated against by policies which favour the employable and those in school. While denying those facing the greatest

disadvantages, the right to access the lives they are capable of enjoying in their communities, in cultural centres, in the rites of marriage and the family or in the religious institutions, the rights and needs of the diabled to health care and a guaranteed income would in fact be recognized, entrusted and guaranteed by a federal Minister for the disabled, and that is a must.

Finally, the opinions of those Canadians living in the western and the Atlantic provinces, and those living in the North would be granted the same validity as those opinions held by Canadians living in Ontario or Quebec. I cannot believe that Canada is run on the basis of the population by Quebec and Ontario and the rest of Canada. Thank God we have got this Manitoba Constitutional Task Force right now to hear us. You are travelling all over to help us and most of all to establish a better Constitition.

The second instance in which the rights of Canadians are threatened is the gradual erosion of the powers of the federal Government, both by the increased power of the provinces and by the ineffectiveness and inefficiency of the system by which the national power must govern. As I have already discussed the effects and injustice of unrestrained provincial power, I will focus on the problems within the federal system.

* (1430)

The first and most obviously unnecessary appendage of the system is the Senate. The Senate is neither necessary, just, nor economically justifiable. Senators are not elected, nor accountable, yet their salaries drain the pockets of the Canadian taxpayer. There are presently 110 senators now receiving an average annual income of $64,400.00. -(interjection)- I am not sure. The person from Ottawa could not give me if that is over and above their expenses, but she said, I am positive extra expenses are above that as well.

The role they have come to fill, that of pure, unapologetic patronage, is a parasitic practice which further erodes the effectiveness of our representatives. The ability of our representatives to fulfill their role is also encumbered by the new status the courts have gained as a result of the Charter of Rights. Clearly, there should be a point of guarantee where the rights of all Canadians should dominate the rights of an arbitrary court, a chance case and often opportunistic individuals.

Finally, a strong central Government is capable of maintaining a sense of equilibrium between the regions of the country, both economically and politically in terms of rights, voice and services. This is essential if all Canadians are to be treated equally. I think I had better read that passage once more so that it will register. A strong central Government is capable of maintaining a sense of equilibrium between the regions of the country, both economically and politically in terms of rights, voice and services. This is essential if all Canadians are to be treated equally.

I care about Canada, about being Canadian, and I am thankful for all my country has given me. I would like to see Quebec remain in Canada, because I believe we would be stronger for it. It hurts me. I am a married woman to a Frenchman. They are good people; they are great people. We need to respect them but also have them accept the responsibility of maintaining themselves as Canadians first and foremost. They are Canada; they are part of our Constitution. We must correct it, because I blame Canada and not Quebec for allowing the weaknesses to overrule the goodness of having Quebec.

The challenge which faces our country now is grave, yet it is not the last of the challenges we will face as a diverse and growing nation. PEP is proud to have the opportunity to share its insights and thoughts on the future of Canada. The work of the task force, we hope, will set an invaluable precedent of Canada listening to and working for Canadian nationality. Our hope is that, from our shared thoughts, will emerge a Constitution which is acceptable to all Canadians, which deals with the totality of our concerns equally and fairly and brings us together with a true sense of nationhood.

I wish to thank you for this opportunity, for making it possible and allowing your schedules to join us here. That is why I brought the flag and everything else, because when they say, now you may rise and sing "O Canada!" even though I am not able to stand, I am proud that I am part of the whole Constitution and the system that provides me a chance of life and living. We have the best medicare system; we have the best health care system, and we compliment all you people in establishing a chance for us.

With the recession we are in, it is not the first time; it will not be the last time. We know how to share, and that is why the gentleman who was here—I am not sure what he was trying to share, but I hope to help him and lend him a helping hand by working with all

of us. That is why—my friend Mala is my attendant and home care companion, so she allows me to go in the community.

Do not forget to fix that Elections Canada so that we can all vote equally and not place the wheelchair first but the person's needs. Whether we are blind, deaf, illiterate or any national problem, we should all have the chance to vote, as we are a democratic society. I challenge you to ask me a question, because that is hard to ask somebody when you are not sure how their answer or response is going to come. I am a woman who will fight for anybody and my chair is still not covered with Autopac, thank goodness for that.

Mr. Chairman: Thank you very much, Ms. Ducharme. Questions?

Mr. McCrae: I am looking at the top of page 3 of your brief, Ms. Ducharme. You say that there should be a point of guarantee where the rights of all Canadians should dominate the rights of an arbitrary court. As Attorney General of Manitoba, I am interested in knowing what you mean by that.

Ms. Ducharme: Well, right now there have been so many such as the support services challenge by the Supreme Court of Canada asking people to have—everyone across Canada—pay back, you know, a weakness that they found, that pay equity or whatever it is. I have not even got a clue what it is all about, but Mr. Finlay's case went to the Supreme Court of Canada, and now they are going to ask every welfare recipient that you can have across Canada. He said, well, that would drain the pockets of everybody.

So instead of the Government—the federal Government—being our elected representatives, then if that does not work, the Senate goes behind a box and sits in a room and comes out with an answer, and then we have to accept that. If that does not work, we go to the courts and say, oh, well, we do not have to respect the federal Government. We have elected them. We should respect them, and we should also work with them. That is why our PEP organization stands for two philosophies such as we have the bilingualism right now, People in Equal Participation Inc. or pester every person till you win, and we are winners.

Mr. McCrae: So you are saying that the Parliament should be supreme in this country, Parliament and the Legislatures.

Ms. Ducharme: Yes, because now we are getting more and more confused with this Charter of Rights that is there standing strong and firm. Yet, any little move—just like the Elections Canada lawsuit now, here I could not vote. CPA said, well, you got into the building, that is all we care about. I said, well, I would like to vote. I would like to vote, but I said my wheelchair does not put an X on the ballot. I do. They said, well, I am sorry, but that does not maintain our rights. The wheelchair comes first. Well, you can have my wheelchair, darling, but I want to be the person respected first and accepted. So there.

Mr. McCrae: Thank you.

Ms. Ducharme: We are selling chocolate-coated almonds for $2 with a $2 gas coupon, and it is going to cost you money, because that is how we raise money. Instead of asking the Government, we ask individuals. You said it should be an individual right, so here we are, darling. How many do you want?

Mr. McCrae: You got me last time.

Ms. Ducharme: That is okay. Every time you see me, it is going to cost money—I am hearing 10 of them. How many do you want?

Mr. McCrae: Talk to you later.

Ms. Ducharme: Make sure. Any other questions?

Mr. Chairman: Thanks very much.

Ms. Ducharme: You are welcome. Do not forget to smile; it is less muscle power.

Mr. Chairman: The Commissioner of Aboriginal Students. The presenter is Melody Jonnie. Good morning, good afternoon, whatever.

Ms. Melody Jonnie (Commissioner of Aboriginal Students Constituency, Canadian Federation of Students): I just want to make one small correction on your introduction of me. I am not the Commissioner of all aboriginal students, just within the Canadian Federation of Students. If you are aware of the Canadian Federation of Students, it is a body that represents 400,000 students across Canada. At the last meeting I was designated the commissioner for the aboriginal students constituency, which is made up of representatives from students across Canada, aboriginal students across Canada.

I always get nervous when I make public presentations, because I do not like to look stupid, if I make a mess up when I am speaking, but I do not really care anymore if I do.

The last issue with The Uniter at the University of Winnipeg was aboriginal issues, and we invited a call

for submissions on aboriginal issues. The submission that I sent in was the one that you have before you entitled, Justice before Celebration. If you do not mind, I will just reiterate what I have stated there.

The year of 1990 was considered the year of the Indian. It seems appropriate since any significant change with regard to aboriginal-Government relations has historically been in the interest of the Government. Ironically, the fifth centenary of aboriginal-European contact is approaching and to date this reality has been highlighted by 499 years of subjugation of foreign policy makers, infringement of basic human rights, cultural genocide and blatant ethnocentrism directed towards the first inhabitants of this land. With the heightened awareness created by this past year's events, a new era of relations has been presented.

This is an opportunity for aboriginal and non-aboriginal people to establish pro-active dialogue with respect to legitimate historical grievances. Society must recognize itself as a reflection of the abhorrent situation aboriginal people are faced with. Statistics confirmed the situation, including its social, economic and political realities. Only when these issues are addressed will aboriginal people consider participating in any event commemorating our discovery of each other. It is imperative that we continue to raise awareness to our sufferance as a nation in order to provide redress. Integral to this process is a re-evaluation of our attitudes and perceptions. Only then can we recreate harmony amongst ourselves.

It goes on to state that if you want to be part of the solution that—there is a statement of principles issued by the Assembly of Manitoba Chiefs that is available for endorsement. It is not necessary that you agree to all of these because I am sure a lot of people do not insofar as they do not realize what they entail.

* (1440)

I will just go through the six principles and how I understand them; it would just give you where I am coming from. The recognition of aboriginal peoples as the fundamental and original characteristic of Canada—I think back in the summer when Meech Lake was happening. I was interviewed by a reporter from the Toronto Star, and at that time I had told him a little bit of an overview of my personal history, which has been, within the education system being referred to as a squaw by a high school teacher because I got 49 percent in his science class. Well, to this day I have an aversion to science. Fortunately for me, I am still in the education system. I have been going to university for the past four years, and I was in the education program but decided to change my course of studies. Who knows, I would like to pursue a career with law—hi, Jim—but go on to the second one.

The second principle states that—recognition of aboriginal peoples as distinct societies with protection of aboriginal languages. I think I made reference to the education system at the University of Winnipeg insofar as they recently passed a resolution modifying their entrance requirements on math and English. Now they are going to be recognizing in lieu of English or math requirement, you can have one of the heritage languages, which is Polish, Ukrainian, Italian or German, but they do not recognize aboriginal languages as an entrance requirement yet because they state that it is under List B.

Last week we had a mini-symposium at the University of Winnipeg, and we had a representative from MANL, which is the Manitoba Association of Native Languages, Mary Richard. At that time she had stated they are pursuing resolution for provincial aboriginal languages Act. I think that has to be enshrined within the provincial jurisdiction as well as within the federal department, because that is another indication of who we are as peoples. Aboriginal languages have been deteriorated. I know I do not speak my language fluently, but I do understand it and can speak some words. I am even teaching my dog.

The third principle includes the recognition and protection of the right of self-government of aboriginal people. That in itself has to be enshrined within the Constitution. It is ironic that in 1982, I believe, the Prime Minister at that point stated that in no way were they going to make room for a sovereign state within Canada. That was their rebuttal to aboriginal people and our concerns on the table at that time.

I find it really ironic that at this point in time the Government is now stating that they are going to even consider it. I think aboriginal people have to be recognized first and foremost for our distinctness and our right to self-government. It is not something that you can give to us. It is our inherent right.

The fifth principle—okay, aboriginal title is the fourth principle. I cannot talk about that too much right now.

The fifth principle states a fulfillment of all treaties, including the land claim agreement signed between aboriginal people and non-aboriginal Governments.

Land claim agreements—I had an opportunity to go to Oka this summer with a delegation of grandmothers and their pursuit of peace out there. When I got there I went to AFN, which is the Assembly of First Nations and their library research office. I took it upon myself to research the Oka land claim.

It is ironic that a lot of people do not understand what that whole process was about and the fact that the Oka settlement had been on the table since the 1700s. It was not just a matter of within the past 50 years. It has been unsettled since.

Some of the people from St. Sulpice, or the missionary people had stated that we had given over and extinguished our right to that land. I do not believe that is so.

I am not as informed as I should be to give you my comments on that, because I understand there is another commission dealing with the Oka situation itself and calling for submissions.

The sixth principle states the right of aboriginal people to participate as equals in a process of constitutional change. As commissioner of aboriginal students, I have had the opportunity to receive documents from the national office of the Canadian Federation of Students. I have just received this document today, entitled, The Network. It is a network on the Constitution and it has submissions from across Canada.

To participate in the Constitution as equals is an interesting topic, because in here there is a little section on aboriginal issues. It talks about, if Indian people are to participate when further constitutional debate—that we should include our—it should be included for our—I am getting all muddled up here—

Floor Comment: You were doing good.

Ms. Jonnie: Thank you.

It talks about, aboriginals should maintain our right of veto. Philosophically I agree with that, because I think we have not had that right of veto, and look where it has got us, not anywhere to our benefit. I feel myself getting all hot up here.

Those are my opening remarks to you, with my little article. I think sometimes it is really hard to create awareness among people because so many people expect you to be a Native expert.

For myself I am just finding out about a lot of issues. Even going to school, I thought, maybe when I go to school I am going to find out why I am so angry. For me, now I know why I am angry and it pisses me off even more.

In responding to this morning's presentations—I was at home with my baby girl. I have a one-month-old daughter and I named her Elijah. I have a dog named Oka, too.

This morning one lady had said, how long must we pay for injustices incurred by those who have long since died? I do not know if we can debate that issue on a personal level, because nobody wants to debate anything when it becomes personal. I think then justice occurs when we perpetuate these injustices and these grievances are legitimate.

A few other comments I would like to make with regard to how this Canadian Federation of Students is approaching some issues. They have a national executive representation of aboriginal people. There is one aboriginal person who is picked by the aboriginal student constituency. My response to the Government, as it is now—I do not see how people like Tom Siddon or anybody else like that, for that matter, who is appointed department head or Minister responsible for Indian Affairs, if they are not aboriginal they have no sensitivity to aboriginal issues. I do not know if it is Tom Siddon or the guy before, I forget—they keep flashing by our eyes—the Minister who had the portfolio for Fisheries before that, I do not think that entitles him to speak to our issues or to be representative of us.

With regard to bilingualism, the Canadian Federation of Students now has a resolution whereby in order to run for the national executive chairperson, you have to speak one of either English, French or an aboriginal language. I hope that is not too far off in the offing. I do not know if Brian Mulroney even knows how to talk an aboriginal language or if that would be a criterion for his leadership, but I think it would show an indication that he is indeed looking towards creating a dialogue with us in our language, as opposed to saying, you speak to me and this is my agenda. You have to meet halfway.

With regard to the current commissions going on across Canada, the Belanger-Campeau commission in Quebec, I noted before that they passed—they did not pass a recommendation, but they heard a recommendation from the Roman Catholic group out there that Canada should assume responsibility for aboriginal affairs to ensure that they learn French. Well, if Quebec assumes responsibility or gets the right to assume all responsibility over aboriginal

affairs, you know, it is obvious they are going to go through a very nice pat approach to genocide at a provincial level over the people in Quebec. I know that with the current package proposed by Bourassa, he had stated that it would remain a federal shared responsibility. It was interesting to listen to the lawyer this afternoon; he was talking about conditional residency. I think a lot of people who came over a long time ago, if we had that in place at that time, everybody would have failed.

* (1450)

I just had a little bit of time to overview this document given from the national office, but it is interesting to talk about the future of the Indian Act regime, because I was just looking at a document entitled, The Development of the Indian Act, and according to what I read, the last commission that looked into aboriginal affairs was in 1916. A lot has happened since then; a lot has changed. I do not know if anyone wants to partake in another commission to deal with aboriginal issues. Enough has been said about it. I think aboriginal people are at the point where there are enough of us young people who have taken the time to go to university or get an education, articulate our ideas and learn the infrastructures whereby we can incorporate some of the changes that we can see and that we can visualize.

Canada has assumed responsibility for aboriginal affairs for the past 500 years and they have failed considerably. I think to expect aboriginal people to put down a definition of self-government is kind of ludicrous because they failed for 500 years. I think we can take it upon ourselves, and then we would have no one else to blame but ourselves. Who is to say it is going to fail? You know, everything comes about in change.

So in closing, my one closing remark would be when it comes time for Canada's proposed 1992 celebration commemorating Columbus's lost voyage, please do not ask me or aboriginal people of Canada to dance for you. Once again you will receive a resounding no.

Meegwetch.

Mr. Chairman: Thank you very much. Questions? Thanks again, Ms. Jonnie.

Mr. Morris Paul (Private Citizen): My name is Morris Paul. I am a private citizen. To tell you a little bit, I do not represent any particular group or any specific interest, and the person that typed my presentation decided that the national unity forum would be better than what we have, the official classification. I shall try to read this as quickly as possible because I wrote a lot of stuff.

I hope that this presentation is not too different than any other presentations across the country, and I hope that you, the panel, listen and hear what the people have to say and are able to convince Ottawa that the people, the Canadian citizens, must be heard. No one can begin to know the conclusion of every presentation, and if you put aside the old attitude of listening and not doing anything about what we might hear, one just might hear something surprising, something new, and something different that will speak to all Canadians.

Now, as an older person who has been around the block a few times, you will understand that I will touch on many subjects of concern to many Canadians, like the golden rule, like justice, like love, like ecology, like common sense, like equality, like the Constitution, like income, like deficits, all to do with national unity. If we could take any one of these items in any order and apply them to our family life, to our work, to our Government, or to the world, think of a better world it would be if every day at three o'clock we stop the rat race, have a bit of milk and cookies, lay down for a little nap and dream of how our country would be or could be, or dream of many things, like the Governments of the country, world had a basic policy to always listen to the people and clean up their own mess and be reasonable, responsible to all the population. We might wake up from our comfortable dream, and we might think that the best thing to do would be if we all hold hands, stick together, and believe that unity is our strength and divided we may fall.

I will try to explore these thoughts for a little while, and I have had some of these thoughts for many years, thoughts that I have written to Members of Parliament, both federal and provincial, and always received the same standard form reply, if reply at all was sent. As many of you know it sounds something like this: Thank you for your letter, et cetera. Very kind, but we cannot even begin to et cetera, et cetera, right now. However, your concerns are on the agenda for the next et cetera, et cetera. Yours truly, the public relations person for the Minister.

I do not want to sound like one big beef, but I would rather point out some of the problems and thoughts, and suggest some solutions that hopefully might bring about some national unity. Last year there were four

whales stuck in the ice in the northern Pacific. Four whales. Does it matter? Why did Canada, the U.S., the Russians, the media spend all the time, effort and money to save four whales? Did we not feel sad when one of them died? Did we not feel happy when they were rescued? Did we really feel that the co-operative efforts of all nations made us realize for one brief moment that we were one people, one people regardless of nationality, race and colour, one people who had helped four dumb whales, one people for better or worse, one people in sickness and in health, and one people in good times and bad times, one people to love, to honour and to help each other?

The Constitution and the notion of democracy—for many years the Constitution paper was somewhere else, Westminster. We were told that we simply had to get it here, and it was going to do all kinds of good things for the people, and it would contain a human rights clause. Our Prime Minister, Pierre Trudeau, told us so. This document was not made perfect, and it may have to be amended from time to time, like in 1990. One has to ask, did Meech Lake want to change or improve anything for the citizens or improve the lot of only a few citizens, a minority like the Native people, our first nation?

Some Native people did not think so, as many of them are held in reserves across Canada's wasteland. Did Meech Lake want to change the fact that two or three thousand people belonging to a specific political Party can and do elect a Prime Minister, a position that might be voted upon by all citizens? Did it mention a method of removing a Prime Minister whose performance was not in the best interests of the people?

Did Meech Lake mention that Canada is not governed by the elected Members of the House of Commons? Did Meech Lake mention that the bureaucrats, the advisers, the patronage appointees, many of whom receive their orders from big multinational businesses, really run the country? Did Meech Lake mention that the elected Members might try to serve the people? I think not, but I do believe that national unity might come about if all of the above mentioned items were considered somehow.

If we had the notion of democracy, the citizens might vote for or against things like the Senate, things like the GST, things like free trade, things like capital punishment, things like murder, like drug peddling to children, things like drunk driving, things like immigration and income tax laws that are fair and payable by all of the people and businesses with no exceptions, things like privatization at giveaway prices of national institutions like Petro-Canada, Canada Post, Air Canada, CBC. Democracy might raise its ugly head if we were allowed to bar dictators. National unity? We have a question mark.

In the early years, Canada and many people received grants to help establish new ventures that would provide employment—jobs, jobs, jobs. It is not now the time to stop these giveaways. A few years ago, Ford of Canada, U.S., was advanced some $60 to upgrade a plant in Ste. Therese, Quebec, to keep some 14 to 20 people employed. How much money did Ford really need? Are we being blackmailed by firms like Ford? The list of grants and giveaways would probably take me a week to read out to the panel. Where is the common sense of our bureaucrats, our Government advisers, our patronage appointees, our elected Members?

Employment and immigration: As of the 10th of January, 1991, 1.3 million people were either unemployed or looking for different work. Free trade, we were told, would provide many opportunities for good, well-paid jobs. Somehow, some 280,000 manufacturing jobs alone were lost in the past two years. It also seems that the objective of free trade was to harmonize many of our social programs with that of the United States, like medicare, unemployment insurance, culture. An unemployment insurance fund could be used to retrain people into new, low-paying occupations, thereby making it possible for big business to win the social wars and bring people back into slavery.

* (1500)

When people are unemployed, they often blame the policies of the Government that they perceive caused the problems. The news on CBC the other day claimed that in Quebec alone the unemployment rate was on the order of 11 percent and 25 percent in the Maritimes. This would give those groups of people a lot of time to think about separation from Canada. I will come back to that in a moment.

Immigration: Our Minister of Employment and Immigration has announced that the rules and quotas have been altered and, with a big smile the other day, told the people that some 250,000 new people would be entering Canada this year and more next. One has to wonder about simple common sense if some 250,000 new people arrive and if we already have 1.3 million people out of work and some 180,000 people who entered Canada illegally in the past three years,

who will provide the food for the food banks and the soup kitchens? Now that the unemployment insurance has been harmonized, I can see the crime rate going up. People in the second biggest country in the world and one of the richest countries in the world will decline to a third world nation.

Many Canadians would have the Government deport all the illegal arrivals, contrary to the lawyer here on thing, during the past five years and stop the immigration for at least another five years. Many people believe that the Government's humanitarian rights efforts should start in Canada, and more effort should be put in providing employment for all the people on the reserves. Those efforts might just create national unity.

Free trade talks with Mexico: I understand they are starting now, but it was not when I wrote this. If Canada continues it would be a disaster for Canadian workers. The labour rate I am told is $1 to $1.25 per day, on CBC news the other day. Should many businesses go south, who in Canada will be able to purchase all the goods that will be made there? National unity will come about by way of a backlash against the Government so out of touch with people and whose policies created the daily problems of living that we have today like high taxes, GST, unemployment insurance. Who will look after the needs of the citizens? Big business will provide the good 15 cent and 20 cent per hour jobs like they did in 1945, and I worked for those rates.

The employment and ecology: Who in Canada is protesting the Brazil rain forest destruction? Could they be the same Canadians who protest the logging and destruction of the Canadian forest in British Columbia and the Charlotte Islands? Could they be the same Native groups like the Lubicon tribe who are pleading with Governments—is that my -(interjection)- okay, well, I think I should be able to finish—to look after the interest of the multinational pulp and paper logging companies? Are they the same Governments that protect the rights and the needs of the aboriginal tribes in the James Bay hydro project? That project will provide cheap power for the U.S. northern states, but one has to wonder and realize the many actions of the people elected. How long did it take to completely destroy the white pine forest in Quebec?

Where were the laws to stop the construction of the Rafferty-Alameda dams in Saskatchewan while the environmental studies were being done? The work progressed with Ottawa providing some million dollars per month toward the destruction of the environment.

Mr. Robert de Cotret announced his Green Plan the other day. His advisors must think all Canadians are stupid as he announced that some $2 billion was in place available to carry out the plan. He neglected to say how the $2 billion was to be spent. Was it grants to the big multinationals to improve, modernize their plants, or was it to study the destruction that they were permitted to cause? I, like many Canadians believe that common sense should prevail and instead of $2 billion, people have studied the destruction long enough. What are needed are a few laws to stop pollution, and a large group of RCMPs to enforce the laws. By the way, de Cotret neglected to mention where the $2 billion was going to come from. There might be a lot of national unity when more taxes were to be paid.

The agriculture: On the 8th of January, 1991, I phoned the Canadian Wheat Board to get some answers that have troubled me for a long time. The prairie provinces have been known to be the bread basket of the world for quantity and quality of the grain products. The western farmers have been troubled by the GATT negotiations, subsidies, high operating costs, low prices, and last week, the 8th of January, the price of Canadian wheat was again reduced, amazing. Answers to my question: Did you know that Canadian wheat sells for $3.40 to $3.67 per bushel, and did you know that about 6 cents worth of wheat goes into every loaf of bread that sells for $1.39? With the miscellaneous vitamins, water and a bit of work, why someone grosses $139 from that bushel of grain. I got that from the Wheat Board.

Wait, there is more: sugar cookies at $2.99 a pound, 2 cents worth of wheat to the farmer; spaghetti at one kilo at $1.19 contains 24 cents worth of durum to the farmer; one bottle of your favourite beer at $1.10, one cent of barley to the farmer; 40 ounces of rye whisky at $27, the farmer's share is one cent.

How much better would the Canadian farmer be if the Government negotiated the profit margin of multinational milling companies, baking industries, beer companies and others rather than GATT? How much better would national unity fare if there was a better balance of wealth between the haves and the have-nots in Canada? How can we rid ourselves of the adversarial position between the few people who control the country and want to keep the people divided, poor and into slavery?

National unity is now only a dream that many of us have, and it will be achieved in spite of big business and in spite of Governments.

The aboriginal Native people: Joe Clark has been on South Africa's case for a long time. Apartheid is a terrible problem. I read that South Africa modelled their programs by the same programs as our reserves in Canada. Oka problems last summer, last year, if any of our Government promises in negotiating ever happened—in 1990 Ottawa conducted it would like to reduce the spending in post-secondary education for Native people because it had spent $123 million in 1989. The aboriginal crowd should be happy with Ottawa's generosity. Do you know how many Native people were in post-secondary education in Canada? Fifteen hundred across the country. One has to wonder about the common sense of the Indian Affairs Department. Am I finished? Can I continue?

Mr. Chairman: You are going to hear a bell, sir, I think probably—I knew it could not be far off. That was the bell, sir. Thank you very much for your presentation. We, of course, will read the remainder of it. Are there any questions?

Mr. Paul: I would be prepared to answer any of them.

Mr. Chairman: Thanks again, Mr. Paul. We are going to take a short break now, ladies and gentlemen. We will back shortly to hear the remainder of our presenters this afternoon.

The hearing took recess at 15:08 p.m.

After Recess

The hearing resumed at 15:27 p.m.

Mr. Chairman: Our next presenter is Mr. Dan Borden. Mr. Borden? Then I call Mr. Victor Payou. Good day, sir.

Mr. Victor Payou (Private Citizen): Good afternoon. I am a little nervous still, even though I have come up in front of you guys before. It is nice to see you again. It is something I have always felt, that I had to say something. People have to get involved now about things that are happening around the country. It is a country that I care about a great deal, and to see things happening now hurts because it is not the country that I saw growing up as a young child. I learned an awful lot from the grandfathers that I have had in the past. The oldest one of them was 110 years old when he died, and I used to hear a lot of stories from him.

The country that I saw growing up back in those days is not the country it is today. The country that I saw, people worked together to achieve something, to achieve harmony within the country.

The Prime Minister that I thought about when he wanted to bring this country back its unity was at the time Mr. Trudeau. He had a vision of one Canada. To this day I still want that dream to come true, but things have fallen on hard times.

There are a lot of people who are looking for something to hang on to, not just the aboriginal people or the other minorities. As far as I am concerned, everybody is a minority because there is no one great nationality that is represented in this country of ours. There are a great many diverse nationalities that make up Canada.

When you look at Canada, you are not only looking at one country but various different small countries within Canada itself, because a lot of other countries are represented to make up Canada. It is the only country I know of that opens its arms to people emigrating from different countries to try and find a better life for themselves.

° (1530)

What disappoints me is, when those people come to this country, they are told they either have to go to this province or to that province. I do not think that is fair to those people. Those people should be allowed to make their own decision as to which province they want to build their life in, where they want to raise their families.

Another mistake should not be made like the one that was made at Meech Lake. Something like that should never happen again, because back then there were only 11 people involved in making a decision that was going to affect the country a great deal. It was not only just Quebec. It was not about Quebec. It was all about Canada—Canada and its people.

It is people that make up a country, not the Governments. Governments are only there to manage, to make decisions that people expect. Sometimes decisions are hard, and I can understand that. There are some issues that are hard to put forward to the people. Sometimes those decisions are best made behind doors. There are exceptions to those things, too. Not everything can be out in the open.

A country should not have to negotiate amongst themselves to change the Constitution. If there needs to be a change made in the Constitution, those people

should consult the people first. If that was done before Meech Lake was agreed upon, I do not think there would have been the problem that arose back then.

Now because of Meech Lake, I feel today that the problems are compounded because of Quebec's unwillingness now to understand the feelings of people in western Canada and the various Atlantic provinces.

I did not bring any presentations here to you guys today because I have a hard time writing things down on paper, and it is hard for me to say on paper what I feel inside.

I feel kind of a sadness in the way things have happened, because today I feel the country is almost like it is leaderless today. I am proud of what Manitoba is doing. They have this system where they go out and consult the people within Manitoba to ask their views and then invite others from outside the province too. I guess this is the first time I have seen something like that done where the Parties have actually gone out and listened to people. I cannot say that for the federal Government, because they make their own decisions based on how they feel and not what the people feel today.

There are a lot of things that I see go on in Ottawa that disappointed me and make me feel that, you know, everything in Ottawa is being made a mockery of. Parliament is not what it should be, what it is supposed to be, and I always keep thinking back to the time when the Constitution was first brought over from Westminster. We no longer needed decisions made for us in Great Britain. Canada had become an independent nation, though it still holds the distinction of being still within the Commonwealth.

There are a lot of people who deserve to be identified as distinct societies within Canada, because there are various ethnic groups, you know, that deserve to be distinct, not only French and not only the aboriginal people. It did not only take the French, the aboriginals and the British to build a nation, it took a whole lot of people from every walk of life to build this nation to what it is today.

Canada is a proud country. It holds the respect of all people from all over the world. A lot of different leaders have commended Canada for the roles it has played all over the world. Canada is best known for its peace keeping efforts, the role it plays in various other struggles around the world. Canada is always the first one to open its purse to countries that need help. It is always called upon, you know, to lend some kind of support, like today in the Gulf War. Canada has to be commended for the effort it has—over there it is representing itself very well. I am proud of those soldiers that are out there. A lot of people might not agree with the Government sending the troops over there, but United Nations is what it is all about.

Canada has played a role in protecting other countries that cannot protect themselves. That is their peace keeping role, to make sure that those countries survive. Now, today it seems like Canada is fighting to survive itself, and I do not see anybody coming out and helping Canada to survive, but if we take the time to listen to one another, talk about what we want to achieve, it can be achieved, because nothing is impossible.

When Meech Lake died, Quebec said that Canada would die and fall apart, but I do not think that is going to happen. Canada is a lot stronger than that. Not very long ago, the Liberal Government in Quebec came up with these proposals, a new round of proposals, that they want to put on the table. That, I feel, is designed to fail also, because some of those proposals that I saw on paper cannot be achieved.

How can someone want to decimate the power of a central Government, weaken the federal Government like that? If you want to take those powers away from the federal Government, we might as well not have a central Government at all. We might as well just put responsibilities on each and every provincial Government. If that happens, we are not going to get anywhere at all, because there are going to be many different things that each province is going to want. That is when, I feel, Canada will break up, when things like that happen. We cannot take power away from the federal Government.

The Charter of Rights has to be protected as well as the rights of women and the aboriginal peoples, the rights that were agreed upon in the treaties that were signed between the federal Government and the Native people.

I could go on forever, but the time is only limited. I just hope to see that we get back on track with this country of ours, bring it back to what it used to be and what it can be. I just hope the Governments have enough confidence as the ones that were here in Manitoba to ask the people about their views, not just in Manitoba, but all across the country. It is a great nation, this Canada, and I am proud to be a Canadian. I would not want to be anything else. We just have to work things out, that is all. It is not much to ask for. It

is not complicated. It just takes time, that is all, time everybody has. I guess I am running overtime here, so I guess I will thank you guys for allowing me to speak. I hope something comes of this. Thanks.

* (1540)

Mr. Chairman: Thank you, sir. Questions?

Mr. McCrae: Mr. Payou was too eloquent for me to ask him any questions. It would make me look bad, Mr. Chairman.

Mr. Chairman: You were kind enough to come forward and speak from the heart and the mind last time at Meech Lake. We remember you well, those of us who were part of the Meech Lake exercise, and it is a privilege to have you back again. Thank you for coming and sharing with us today.

Mr. Payou: Thanks.

Mr. Clark Brownlee (Private Citizen): Hello.

Mr. Chairman: Hello.

Mr. Brownlee: Ladies and gentlemen, thank you very much for the opportunity to be here this afternoon. I, like other speakers, appreciate this process and feel strongly enough about what the country is experiencing right now to want to share my views.

I do not have expertise in a lot of the areas that I am commenting on. I am speaking basically as a lay person. I do believe it is important to speak up, and I do appreciate this process.

I think you have my paper. I may skip through parts of it and just try to make a few major points, which I also have heard other people making today.

Basically, I am going to be speaking in favour of a strong central Government, equal status for all the provinces and justice for all the people of Canada.

I think we are in a very critical time as a country. That seems fairly obvious. I am concerned that our leaders are consulting polls instead of speaking out with vision and authority about the questions that confront us.

I am not under any illusion that there are simple answers. I keep hearing the warnings of our former Premier, Lyon. I did not agree with most of what he said, but I have to wonder at this point in time if he was not right about the danger in repatriating the Constitution, particularly when we were not exactly sure what we were going to do with it.

While there seems to be this great pressure to do this thing and do it now, particularly in some areas such as Senate reform, I would think that we would be advised to be very careful before we jump into more messes until we have actually studied the thing carefully and, as our last speaker so eloquently said, take the time and talk to each other and listen until we actually have arrived at some kind of a national consensus before we go on and make the situation that much worse.

My first priority in speaking with you today is really a commitment to a change of values. To me, I am concerned that the values of politicians and sections of Government in our country seem to be too often the values of greed and excess profit making and political opportunism. I am suggesting that if, as a country and as institutions within that country, we could make a serious commitment to the values of justice and tolerance and to use these values as guiding directions for the policies that we are implementing, maybe some of this confusion would start to make sense.

Certainly, from where I sit, the country is much more than the sum of the balance sheets of each of the Governments. We have a soul, as a country, and it starts to show when we are under stress, as we are right now. We need a country that will inspire our loyalty and our affection and our love. We need to continue to have that as a country. There is more to it than the economics.

We need a strong central Government because, as other speakers have said, if there is going to be justice in this diverse country, then our central Government will need to continue to play a strong interventionist role in the distribution of resources among the various parts of the country. Basically that is it.

I am talking about those things which have made our country the envy of the world: medicare, education, economic security, transportation and communication. These things are all under serious attack right now, and it is of great concern I believe to many, if not most, of the people in this country.

It concerns me that provinces at this point in time should be even talking about dismantling institutions such as medicare and the other elements of our social safety net. The growing holes in that safety net in this province as in other provinces speak loudly to the danger of this offloading or abdication of responsibility to the provinces. Certainly this province, Manitoba, should be ever sensitive to that need as a province which is not going to do well in an offloaded, decentralized kind of system. That is nothing we need

to be ashamed of. We are not in a position to compete with the larger, wealthier provinces.

I think another major issue for me is the one of tax reform. It may not be a constitutional issue, but I think it is key to our country's future that we need to revamp our taxation system. It needs to be more simple, more progressive and more just. We are used to hearing governments crying that they are poor, and indeed I believe that they are. Our Governments are poor and they are in debt and I wonder why that is. I do not think it is because our tax system has been motivated by the dictates of justice. I would tend to think more cynically that it is being held ransom by the threats of corporations who will say they will pull out if they lose their favoured tax status.

Our policy of free trade with the United States and, as it looks now, Mexico, has proven itself to not be in the common good of Canadians but rather for the good of the multinational corporations who are exploiting Canada because their motive is simply to maximize their profits. We are losing thousands, tens of thousands of jobs to bankruptcies, layoffs and plant closures. That spells lost taxes, and that is at least one reason why our Governments are broke.

I think we are approaching a time when as individual citizens we have to make some tough personal choices. If we are going to live in a just Canada and if all Canadians are going to be first class, then we are going to have to make some decisions about the distribution, which means that some of us may have to lower our standard of living and our expectations. The statistics tell us that the gap between the rich and the poor in this country is growing, and I am deeply concerned by that. It should be shrinking. If people feel that they cannot live the kind of lifestyle that they want to here, maybe they need to make a choice about what country they live in.

* (1550)

This country needs to put the money which is being skimmed off the top in the form of interest payments to foreign banks, excess corporate profits and giveaway free trade policies back into the public sector. We need to reclaim our country and fight for the wealth that is ours and which is slipping quietly away from us. I think we are being exploited, and I am concerned about it.

To get to the questions of the Constitution, the No. 1 priority for constitutional change, definitely more of a priority than dealing with Quebec's issues, is the need to negotiate a role with the First Nations for their own governance and the just settlement of outstanding land claims. It is important that this be done early, because significant land in northern Quebec needs to be restored to the Cree and the Inuit prior to any talk of Quebec separation. If justice is the operant word, I would suggest that the process be undertaken in the other provinces as well. As the land question is being settled, the First Nations need to take their place at the constitutional table. I believe they are in the best position to negotiate their own governance through their own representation. This would be an important start towards righting some of the very real grievances of these first people in this country.

In terms of Quebec, I have to confess I have never lived in Quebec, and I depend on the media to inform me of what is happening there. I am always somewhat leery of relying entirely on the media to tell me what is going on, with respect, gentlemen. I do believe that there are historic reasons why at this point in time so many Quebecers have committed their primary allegiance to their province rather than to the country of Canada, and I can understand that.

However, I believe that if those grievances were to be assuaged by the receiving of powers and special considerations, we would surely be seeing a turnaround by now. I do not believe that there is any value in giving away more concessions to Quebec at this time, and that is not because I am not sympathetic towards them, but because it seems to me as if the time for concessions has passed. The people of Quebec have a decision to make, and the time seems to be drawing near for them to make that decision.

I am going to refer to an analogy which makes some sense to me. I used to be a marriage counsellor. I no longer do that kind of work, but I have presided over the death of many marriages. If Quebec is the partner that wants out of the union, I believe they should be free to leave. It is imperative, though, for the soul of our country that our leaders never again use bribes and payoffs to try to dissuade Quebec from its chosen course of action. At some point in a divorce, the partner who is being left needs to recognize the reality of what is happening and pull back to preserve their own dignity and self-respect.

The partner who is considering leaving has to decide whether or not he or she wants the ongoing responsibilities of membership in a family any longer. If the people of Quebec are to be given a fair chance to make such a major decision, we owe it to them to

delineate clearly, prior to any referendum, what being a part of Canada means, the responsibilities to be borne, the privileges to be received. It is not acceptable to the rest of Canada that our country be carved up and given to the provinces as a way of keeping Quebec in the family.

We need strong leaders who are not afraid to spell out the Canadian option. They must be hard-nosed and tough. We know that Quebec is, certainly. If the people of Quebec decide to separate, there still must be a strong Canada, a strong central Government, a commitment to our country and to its values. We might be better neighbours than family. I do not know. I hope not. If they decide to remain they must be, in my opinion, full partners, caring as much for the rest of Canada as for their own concerns. A sovereignty association which gives Quebec benefits with no responsibilities would defy both logic and justice. I believe that the Canadian position must be for Quebec to choose between separation or being an equal partner in Confederation.

When a marriage breaks up, the maturity of the partners will determine how the estate is divided. There should be no giveaways and there should be no expectation of special favours later. When a marriage breaks up, the well-being of all the children in both households is of prime concern. In that regard, as well as ensuring a just settlement of aboriginal land claims, Canada must ensure the rights of non-Francophones in Quebec during the negotiations. Similarly, if Quebec separates, we in Manitoba must be vigilant in protecting the rights of our Francophone population.

In concluding this section, I want to make clear that I really hope that Quebec will opt for Canada, that Quebec will continue to be a strong part of this federation. If they cannot or will not make that choice, I will be sad and, I hope, not bitter. What would make me bitter and what I feel would be unforgivable would be the continual erosion of our country to try to persuade Quebec to stay. I used the word "bribe." I think it is not misplaced entirely. I think that would incur the wrath of the country and the further derision of Quebec. The most likely opportunity that I can see to earn the respect of Quebec at this point is to be strong and tough and know what we believe in.

This gets to your role, ladies and gentlemen, the role of Manitoba. As a province, our best future lies in a strong central Government. I believe that most Manitobans want our delegation to take that message to the conference table. The western separatists will have little to complain about if a strong federal Government with the support of the provinces takes hold of the agenda with Quebec and plays hard based on justice and tolerance. Manitoba should never be party to any further erosion of federal power and should use its influence to persuade other provinces not to either.

Looking to the future with or without Quebec, Canada is and will continue to be a multicultural and a multilingual nation. Again, tolerance and justice should dictate future policies in these areas. Our future as a country hinges on pulling our diverse people together to work for the kind of national goals which I have been talking about. Working together lowers barriers and differences and this, I believe, should become a national priority. Important, but at a secondary level, is the need for cultural and linguistic minorities to preserve these valuable assets. In general, I believe that this should be an area where Government is permissive rather than facilitative.

On the question of Senate reform, as I mentioned earlier, it is an area that I believe is unclear and, therefore, I would caution anything which is precipitative. I think we as a country need to decide whether we are going to continue in some form of Parliamentary democracy along the British style, whether we are going to an American style, constitutional Government with separation of powers, or we are going to evolve something different that is uniquely Canadian, but I would sure hope we do not piecemeal and ad hoc our way through this process or we may sell the farm before we have got around to figuring it out.

That is what I have to say. I thank you very much for your attention, and I commend you for your work.

Mr. Chairman: Thank you very much, Mr. Brownlee. The task force may have some questions to ask.

Ms. Friesen: I wanted to thank you for a very clear presentation. The last part, however, I did want to check on one item and that was, you talked particularly about Senate reform without considering abolition of the Senate. Is that an implied presentation, or did you consider abolition?

Mr. Brownlee: I considered abolition, and I chose not to talk in those terms, because I think that would also be precipitous. One thing I did not mention in my verbal presentation which is there is a reference to the fact that as a small, hinterland province that is a concern. I do not think it is an overriding concern, but the Senate may have some ways within it, if it was

revamped, to make the smaller provinces more representative in the decision-making process. So that is why I chose not to talk about abolition at this time. In the future that may, in fact, become an option. I do not know right now.

I think that the country as a whole needs an opportunity to look at that and to receive the considered views of people who have expertise in this area. I would like to know what the implications of the Australian system are and look more carefully at trying to piecemeal the American system in, which seems to be what we are doing. I do not think we are ready to do that yet.

* (1600)

Mrs. Shirley Render (Member for St. Vital): I am intrigued with one of your comments in the introduction where you suggest that perhaps we might do without a written Constitution. A couple of other presenters have also said that. What prompted that comment?

Mr. Brownlee: I have to say that I may be naive in that, and part of what I think would be a loss if we tore up the Constitution and started again or did not start again and just relied on an unwritten Constitution, I think there would be a loss in the Charter. I think that there is value in the Charter even though I think, as one of the other folks this afternoon said, that the Charter and the courts are really eroding the power of Parliament, and I am concerned about that.

I think that by going to a written Constitution and a more jurisdictional and legalistic system we are losing the connection between the people and the elected representatives. That is part of what I am concerned about. I think there are elements of other systems start to come in when you have a written Constitution which really our model, which is the British parliamentary model do not really take into account. I think we are getting into some murky waters jurisdictionally. It is not an answer. I wish I could be more informed about the implications of your question.

Mr. Chairman: I take it, Mr. Brownlee, when you say that it is either to be separation or equal partnership in terms of the relationship of Quebec to the rest of the country, that you do not see much promise in this concept, essentially a political science concept, at this stage of the game of asymmetrical federalism whereby one or more of the provinces might have different powers than the others and yet the federation would hold together and effectively proceed as a single state in a sense, but with very different relationships of one participant versus another to the centre.

Mr. Brownlee: I think that is an interesting concept that may in fact in time work, but I think in fact that is what we were going through last summer in the Meech Lake debate, and my reading was that the people of the country had not been given sufficient opportunity to think that through. It had not been spelled out clearly. It was an idea which may in fact be 10 or 15 years down the road.

I think at the heart of what I hear people saying around me in Manitoba is, if we are going to formalize the relationship between Quebec and Canada through a written Constitution, and that is part of getting back to your point about when things were not written then deals could be made quietly and really the rest of the country did not know a lot about the relationship between Quebec and Ottawa. Maybe in some ways that was fine, but maybe we have grown up, and we are a little more inquisitive now. I think we are a good 10 years away from what you are talking about though in terms of people's feelings, which is pretty high right now.

I would not suggest that we go back to complete equality in terms of the kinds of negotiations that have been historic with Quebec. I think that would be also disrespectful of the reality, like what has been done is done, but giving further at this point in time would concern me, especially if it is at the cost to Canada. Maybe what you are saying is the way. I mean, if it can be done with a strong central Government still and by agreement so that all the provinces do not say well, if you are getting that, then I have to get that, there is some future there possibly.

Mr. Chairman: We had a presenter this morning who said that perhaps Quebec will separate now and later reconnect. It seems to me that there is a linkage to what you have just said possibly, and that is there could be a separation, a decision some years down the road that reconnection would be advantageous and it might very well be on some form of asymmetrical relationship with the rest of the country.

Mr. Brownlee: It certainly could be. I think it is important that the rest of Canada speak clearly to Quebec right now because if the assumption is that the rest of Canada is not prepared to even countenance separation at any cost, I do not think that is true any longer. I think something snapped over the last two or three years in the consciousness of the

country and said, well, if that is the way it is, that is the way it is, now we better be sure that we still have a country to live in after the pieces have been dropped. I would hope—we cannot move the countries apart, they are going to be next door to each other—and I would hope that we would be able to establish harmonious relationships whatever the constitutional relationship is.

Mr. Chairman: Thanks very much, Mr. Brownlee. Mr. Roy Lyall? Mr. Lyall, I have you down as private citizen, sir. I notice on your written presentation, the headline is Confederation of Regions Manitoba Party. Are you speaking for the Confederation of Regions Manitoba Party?

Mr. Roy Lyall (Confederation of Regions Manitoba Party): That is right.

Mr. Chairman, thank you, panel, guests, I would like to start out by saying an end to the conspiracy begun by Lester Pearson to make Canada a unilingual French state. That would mean the discard of the present Constitution compiled by the people carrying out the above conspiracy. I now quote Serge Joyal and Trudeau, and this is what they said: We will not only make it so that Canada cannot be ruled without Quebec, we will see that Canada will be ruled by Quebec. Another quote by Keith Spicer on CBC a year ago: We only introduced multiculturalism to shut them up long enough to fill the civil service with Quebecers.

In a democracy, the majority rules, not a group of minorities. Majority government should not mean dictator rule for four years as we have now.

Disbanding immediately of the political hack Senate that is really a waste of money with no useful purpose. A new Senate, elected, equal and effective, two senators for each province, the Yukon and the territories. You would not have to be a millionaire to be elected as campaign spending would be limited. Bills passed to the Senate to be scrutinized, if not in the country's best interest would be returned to the Commons for logical changes. If returned without the necessary amendments, it would be vetoed back to square one.

If this were the case, such apartheid Bills like C-72, Meech Lake and 30 other pieces of legislation that are designed to promote one culture would not be introduced. Canada for Canadians, this has to be conveyed to immigrants, and if you want to conserve your culture, it is your own responsibility, but not paid by tax dollars. Government would not be allowed to meddle in commercial administration. Affirmative action, hiring of ethnics simply because you are an ethnic, not because of your qualifications, this is the reason for Canadian discord and must end.

Thirty years ago, I recommended self-government for Natives with the ensuing responsibility. Bits and pieces are surfacing, but leaving out the crucial parts. I will not dwell on the equality of women other than to say many farms and businesses would be in trouble without their expertise and ability to perform equally. It is time to recognize the death of the nation and the provinces. During the last campaign, giveaways were the order, not restraint.

The nation is bankrupt and no one wants to recognize the fact, but when your social security and all other universal cheques return NSF, maybe the truth will prevail. Year after year, the general election is over before it gets to Thunder Bay. This control by one group has to be remedied, like the leaders of the Parties being political spokesmen only and not apartheid dictators.

When the budget rolls around, agriculture is a loser. The net farm gate price of wheat has shrunk to $1 per bushel. Farm gate share of a loaf of bread was 4 cents at $5 per bushel and 6 cents in a box of cereal. We could give you the grain or charge twice as much, and it would not affect the price of the box. Any nation that neglects agriculture to the present point is inviting disaster. Change has to be soon and meaningful.

As to Quebec, it is a province of Canada or go separate. They have thrived out of the federal Treasury much too long.

Many more changes are necessary, but this is a skeleton of the changes to begin the road back.

Mr. Chairman: Thank you, sir.

Mr. Lyall: Thank you.

* (1610)

Mr. Chairman: Are there any questions of Mr. Lyall? Thank you again, Mr. Lyall.

Mr. Lyall: You are welcome.

Mr. Chairman: The next presenter is Mr. Robert Clague.

Mr. Robert Clague (Private Citizen): Mr. Chairman and Members of the commission, very briefly who I am, in case you think I have some hidden agenda here, I am a private citizen. My background is in Government, education and in research, not necessarily in that order.

Before I commence this brief, while listening to the previous presentations, I formed a preamble that I think sort of ties all of this brief together and the thrust of it together.

As a Canadian nationalist, I endorse the idea of national unity, but I feel that this exercise in constitutional reconstruction is divisive. It will be counterproductive to national unity. It will play into the hands of Quebec, and it will play into the hands of the federal Parties who want to play into the hands of Quebec. Hence the need to examine the threat of separation takes precedence over all other issues.

The events of the last few days have served to shift the focus of this submission. I hope I can do this in the time allotted. I did a dry run last night. It took 18 minutes.

As a result, two or three of the points specifically mentioned in the task force pamphlet will be touched upon briefly with the intent of avoiding, insofar as possible, the repetition of points covered in other presentations. The remainder of the submission will concentrate upon the potential Quebec crisis, the resolution of which unfortunately may render many of the other constitutional concerns to be of relative unimportance.

Constitutional justice for the aboriginal peoples: In addition to endorsing the six principles set forth by the Secretariat of the Assembly of Native Chiefs, this submission urges the adoption of a system of legislative representation for aboriginal peoples similar to that currently in effect in New Zealand.

Senate reform: In the event of the adoption of an elected Senate, it is urged that election of senators should occur at fixed intervals, such as two years after a general election, except when two such elections occur within a shorter period. This would prevent the possibility of the same political Party securing a majority in the House of Commons and the Senate at the same time, thereby frustrating the very purpose of the Senate. An added advantage would be that the knowledge of an impending senatorial election near midterm would have a salutary effect upon the conduct of the Party in office.

Electoral reform: A simple modification of electoral procedure would serve to eliminate at least one of the sources of western Canadian discontent. This would entail the sealing of ballot boxes at polling booths across the country until the last polls close in the most westerly time zone. The present snowballing effect of political results to the east would thus be eliminated. While such a measure might well lack favour with the Party leading in the polls as indicated by present procedure, it would free Westerners from the sense of frustration experienced when the election result is being already announced before they have cast their ballots. At the same time it would, marginally at least, increase the political weight of their vote while it would provide a more accurate indication of their political sentiments.

The major constitutional problem: The recent Allaire report, with its serious implications for the future of the country, has usurped centre stage in the current constitutional discussions. Since the underlying issue with which it deals is the prospect of an early separation of Quebec from the Canadian family, it may not be amiss to glance briefly at the currents of events leading to and merging to bring about the threatened crisis, the character of the proposals on the part of the Quebec politicians to bring about its resolution and the desirability of a firm and measured response.

Transformation of Quebec society: The transformation of Quebec society had already begun long before the quiet revolution. What had once been mainly a rural society has become increasingly urban. The preindustrial society of the past, with its agricultural emphasis, was changing into a North American society with contemporary outlook, tastes and problems. By the 1950s, the Roman Catholic Church in the province was lamenting the shift from a traditional religious outlook to one with a growing emphasis upon materialistic consumerism. With this increase in living standards, there occurred a declining birth rate. At the same time, the press, which had served as a linguistic bulwark as well as a means of communication, was meeting increasing competition from rival forms of media, radio and television, which knew no international or provincial boundaries and were indifferent to linguistic sensitivities. In a word, Quebec's cultural heritage was under attack.

Residual character of Quebec culture: What followed has been a rear-guard action. The culture of a society stripped of many of its old ways of life acquires a residual character. The restricted amount remaining assumed proportionately greater significance. Two areas that assumed enhanced importance were language and the arts. In the case of the latter, one of the by-products of the quiet revolution had been a cultural renascence.

Measures to preserve cultural heritage: It was at this point that the cultural and political threads of development came together. Ironically, Quebec politicians seeking to preserve the cultural identity of a society that had burst suddenly and belatedly into the 20th Century sought to resolve the problems of the 20th Century by reverting to solutions of earlier centuries. One such method was through constitutional tinkering and reconstructing. A second was to embrace a 19th Century solution, nationalism. What seems surprising in the adoption of these instruments for cultural survival has been the indifference of these politicians to the inadequacies or rapid obsolescence of constitutional safeguards under the impact of rapid technological change and the anachronistic character of national states in a period of developing economic blocs and associations of countries.

Two aspects of Quebec's relations with Ottawa: Quebec politicians have long played a dual role in their relationship with Ottawa. On the one hand, they have fought laudably—for those of you who have a copy here, correct that "they", will you please, in case it is not corrected in your copy—for the rectification of the valid grievances of Quebec. These achievements, often belatedly arrived at, were the result of a growing power base of Quebec in federal politics. On the other hand, concurrently with these praiseworthy efforts there was a darker role played. That may be summed up as incremental blackmail, the extortion of exorbitant demands as the price for political support.

Shifts in provincial politics in Quebec: The mid-century breakdown of the two old-line Party system in Quebec resulted in the emergence of a sequence of new political Parties. In the resultant political instability there were wide swings between Parties in office. Quebec's internal politics have thus developed a plebiscitary trend.

Resentment towards external control: Opposition to external control has been an enduring and indeed a growing trend in Quebec society. This found its roots in the divergence of interests between New France and Old. Enhanced resentment against an outside Government logically followed conquest by a foreign power. Within the bounds of Confederation, the resentment was simply transferred to Ottawa.

Provincialism anti-federalism: Whenever provincial Governments have found themselves in a tight spot because of difficult or insoluble issues, they have frequently created or blown up into larger dimensions some issue with the federal Government as a diversionary tactic to bolster support at home. Quebec can scarcely be regarded as an exception to this rule.

Confluence of forces favouring independence: Within Quebec the current sentiment for independence, whether as an early achievement or an ultimate goal, represents the confluence of several forces. The arts community, the newly arrive entrepreneurial class, a large section of labour and the politicians endorse the movement, with the politicians leading the pack and the other following in symbiotic relationship. As for the politicians, this appetite for sovereignty should not cause surprise if the rising aspirations of the body politic be measured by the ratio of the salaries of the members of the Quebec National Assembly as compared with those of their counterparts in the Ontario Legislature or, even more significantly, with those of the Members of the House of Commons.

* (1620)

Viewed in historical perspective, this drive for independence represents the culmination of a long-term thrust. Viewed in a contemporary context, it appears more as a desperate rear-guard action to achieve sovereignty before the conjoint effects of the newly formed trading blocs coupled with the growing impact of transboundary electronic media reveal the hollowness of the achievement.

Political independence will do little to help and may do less to protect employment in Quebec against competition from offshore cheap labour. Moreover, despite the flowering of culture in Quebec and despite the province's efforts to promote the use of the French language, the impact of North American culture and the influx of English language via radio and television will continue to grow. It is unfortunate that most residents of Quebec do not appear to have studied British history. Otherwise they might have heard of King Canute.

Some implications of the proposals of the Allaire report: While the proposals contained in the Allaire report are by no means the final word, they are indicative of the strategy for separation. It is clear from the outset that the federalists, in order to secure political survival, have been forced to adopt a more extreme position. The position taken in the current demands suggest that this is merely one more way station on the road to independence.

It is interesting to note, for example, that the powers to be left to the federal Government under what would be a near sovereignty association would be precisely those least popular in Quebec, thereby further casting the federal Government in its traditional role of scapegoat. Even worse, the decentralization of powers proposed would weaken the bargaining position of the Government at Ottawa when the next round of negotiations came up.

The proposal to eliminate the Senate is consistent with the plebiscitary character of Quebec politics as already noted. One implicit function of the Senate as the chamber of second thought is the protection of minorities. The desire to eliminate the Senate thus implies the rejection of liberal democracy in favour of hyperdemocracy or mass rule.

The transfer of powers from federal to provincial jurisdiction as noted above would result in a corresponding transfer of taxes required to support the administration of these powers. As a result, there would be an increase in the percentage rate of provincial taxes across the country with little prospect of a reduction of the existing federal rates upon which the provincial tax rates are based.

Finally, and this, to quote Shakespeare, "the most unkindest cut of all" implicit in the concept of sovereignty that lurks behind the proposals in this report is the presumption that the territorial integrity of Canada may be violated at the whim of Quebec politicians.

Negotiating positions adopted by Quebec politicians: The range of negotiating positions adopted by Quebec politicians over the years merits attention. When it is in the interests of the province, as in the case of the Labrador power agreement, such agreements are written in stone. In other instances, some constitutional points are not to be too precisely defined, thereby leaving the province ample latitude to interpret these to its advantage. At the other extreme, the province should not be bound by any agreements that do not appear to its advantage. As for provincial powers, Quebec should not merely have such as would protect its own unique identity, but should have in addition powers exceeding those of any other province. In other words, we want our cake and we want the right to spit in yours too.

Mr. Chairman: That is the second bell, sir, which is the end of the allotted period. Could you leave us to read the rest?

Mr. Clague: Surely.

Mr. Chairman: Thank you. I am sorry to interrupt you, but you will appreciate our problem with time management. Are there any questions? Thank you very much, indeed.

Mr. Clague: Oh, by the way, there is one part at the end. I am requesting that you have read into the transcript, as you will see on the last page here, into the proceedings here, a transcript of pages 996 to 1009 of Mason Wade's "The French Canadians" be incorporated in the proceedings of these hearings. The passage involved throws much light on what is happening at present and indicates very clearly that this business of bilingualism and of a one-language, one-religion state did not originate with Trudeau, did not originate with Pearson, but dates back to 1937 at least.

Mr. Chairman: We note that, sir. Thank you.

Mr. Clague: Thank you.

Mr. Chairman: The Rural Municipality of Rosser, Alan Beachell. Mr. Beachell is the Reeve of the Rural Municipality of Rosser. Good day, sir.

Mr. Alan Beachell (Reeve, Rural Municipality of Rosser): Mr. Chairman and Members of the committee, thank you for giving me, on behalf of the Council of the R.M. of Rosser, the opportunity to present this brief because we are deeply concerned that Canada has become fragmented into regions or provinces that have only their own respective interests in mind. These attitudes are multiplying and it is alarming to consider that Canada, as we know it, could quite likely disappear.

The Council of the R.M. of Rosser believes we need a strong central Government that responds to all of the provinces in a fair and just manner for the benefit of the nation as a whole. Our council is opposed to any special status for any province. We believe that all provinces should be treated equally within the Constitution. We supported wholeheartedly the defeat of the Meech Lake Accord. We are concerned that Quebec is currently bent on achieving, through administrative negotiation with the Mulroney Government, the same principles that were rejected by Canadians with the death of the accord last June.

One way to achieve provincial equality would be through Senate reform. There has been a lot of controversy in regard to the Senate recently. The three federal Parties each seem to support a different solution. Certainly, the way the Senate is comprised at present, and considering the circus to which the public was exposed during the GST debate, abolition

might seem desirable. We believe, however, a Senate that is elected, equal and effective would be a better solution.

We support a Triple-E Senate, and I would like to quote the resolution that our council passed and which was subsequently adopted by the Union of Manitoba Municipalities at their 1987 convention.

"WHEREAS Canada is composed of several very different regions with differing needs and opportunities;

"AND WHEREAS the concentration of population in central Canada gives political control of the whole country to that region;

"AND WHEREAS the Canadian Senate does not now provide the effective balances it was originally intended to give to the less populated regions of the country;

"NOW THEREFORE BE IT RESOLVED that we request the Legislative Assemblies of the Provinces and the Parliament of Canada to seek an amendment to the Constitution to provide a Senate

a) that is directly ELECTED by the people

b) with each Province represented by an EQUAL number of Senators, and

c) that retains the EFFECTIVE powers provided for the Senate at the time of Confederation."

Mr. Chairman, the United States has 102 senators, two for each state in a country that has a population 10 times that of Canada. Our council believes that five or six senators for each province would be sufficient, thus giving Canada a total of 50 or 60 rather than 112. We kind of pulled that figure out of a hat, Mr. Chairman. Maybe three would be better or maybe two would be better, but certainly I do not think we need the 112 that we have today.

Another divisive factor, Mr. Chairman, is the ghettoization of differences here in Canada. We oppose multicultural programs through Government. It is our belief that any culture, religion or race should be treated with respect and equality here in Canada.

As demands for funding emerge, politicization of various interests increase and the result is one cultural group pitted against another. Cultural preservation will naturally occur within each group if it is truly valued.

However, we do not believe that public money should be involved. We believe that the present multicultural policies divide rather than unite this country.

We are also opposed to being hyphenated Canadians. The time has come in this country for us all to be Canadians, period. Perhaps if this could happen, we would have a cultural blend that would be uniquely Canadian in content, one of which we could all be proud.

Mr. Chairman, Canada is supposedly a bilingual country today. This is a fantasy. Nine provinces and two territories use English and many other languages. One province tightens language restrictions enforcing the use of French. We have yet to ascertain the total cost of this misguided approach in terms of social welfare. Economically, the cost of official bilingualism runs to billions of dollars spent with little practical result.

The municipal statute books are but a minor example of the needless expense with which municipal Governments are burdened throughout Manitoba. Several years ago, the Supreme Court upheld a ruling that all provincial statutes must be available in both English and French. There is an actual requirement for French in less than 10 percent of Manitoba municipalities. Nevertheless, the statute books themselves must be printed in English and French in each volume, rather than making a separate volume available in each language to take care of the needs of any municipality. Translation and printing costs, even postage, grow as does the size and weight of each statute book in order to respect this language policy.

* (1630)

Do not dismiss this as a trivial example because it becomes a constant reminder, a symbol if you will, of the demands of a minority being imposed upon the majority. No, bilingual policies have not united this country. On the contrary, they have triggered demands for many groups who insist on special consideration.

All of these demands in some way involve public money. What is involved here is a never-ending vicious circle of interest groups each demanding their own fair share. Our council is concerned about free trade. We have a free trade agreement with the United States which is becoming detrimental to Canadian agriculture. We are about to enter into talks with Mexico and the United States to explore extending free trade even further.

In the meantime, trade barriers continue within Canada. Farm policies which affect the R.M. of Rosser in major ways differ greatly from one province

to another. Our agricultural industry is torn from within by regional interests at a time when Canadian farmers are in a very vulnerable position globally. While grain prices continue downward on the world market, production and transportation costs continue to escalate. Free trade, not only north-south but also east-west must be accessible. Here is an essential role for a federal Government capable of developing fair and just national policies.

Mr. Chairman, our council is very concerned about the current quality of political leadership. Although this is something that probably cannot be defined within the Constitution, we believe that is the key to a strong and healthy nation.

Until we have leaders who act after due consideration of how their actions will affect all regions of Canada rather than politicians who respond to the demands of populous voting centres, there will be no national bonding, only a continuation and escalation of our national bickering.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Reeve. Are there any questions? Thank you again, sir.

Mr. Beachell: Thank you.

Mr. Chairman: Recalling Mr. Dan Borden.

Mr. Dan Borden (Private Citizen): Good afternoon.

Mr. Chairman: Good afternoon.

Mr. Borden: Please accept my apology for the late appearance. I was tied up at the university this afternoon.

Mr. Chairman: It is not a problem, sir.

Mr. Borden: Emergency lectures, et cetera.

Mr. Chairman: I have you down, sir, I guess as speaking as a private citizen. Are you in fact speaking on behalf of the Victims of Child Abuse Laws Inc.?

Mr. Borden: I will address some of the issues, yes.

Mr. Chairman: Sorry?

Mr. Borden: I will address some of the most intrinsic issues concerning—

Mr. Chairman: You are speaking as an individual or—

Mr. Borden: As a doctor of psychology, yes.

Mr. Chairman: Not representing any particular organization.

Mr. Borden: I will touch on some of the issues. That is why I am being up-front with some of the more conspicuous matters I will be addressing this afternoon concerning women's rights and the Charter of Rights, point No. 2, contained within the Manitoba Constitutional Task Force agenda.

Mr. Chairman: Okay, sir. That is fine. I take it then that although you are addressing issues that are to be found in this pamphlet, you are speaking as a private citizen?

Mr. Borden: I am, yes.

Mr. Chairman: Okay, thank you.

Mr. Borden: I am a doctor of psychology.

Good afternoon, Chairman and distinguished Members of the task force. I did not prepare a formal presentation as I do for many of my lectures that I give as a doctor of psychology, et cetera, due to the fact that I do not want to be presenting a postured point of view, a postured perspective. In essence, I am open to integrity of questioning and/or constructive, instructive questioning concerning any of my viewpoints.

I do want to address as a focal point, as far as pertinent perspective, point No. 2 as outlined, "What Are Your Views On," the Manitoba Constitutional Task Force Purpose segment, i.e., "The Charter of Rights, aboriginal and women's rights and the recognition of Canada's multicultural heritage."

I just returned from a child abuse and neglect symposium in Washington, D.C., where I presented the False Accusation Accommodation Syndrome, which is a thesis I wrote for my doctorate in psychology back in 1989, and I expanded upon that particular area of the whole transigent area of the False Accusation Accommodation Syndrome for the American Psychiatric Institute, which has now adopted the papers for their social journal policy in all their textbooks.

Unfortunately, I have been catapulted into this area of discipline concerning system inflicted abuse and the False Accusation Accommodation Syndrome a number of years ago back in June of '88, and I thus projected or targeted my own particular agenda or mandate to research, investigate thoroughly, professionally, the whole area, the multifaceted area, or multifarious area of system inflicted abuse.

I had the privilege of writing, co-authoring a paper with Dr. Michael McIntyre of the University of Calgary, Social Welfare Faculty, which he has been a dean of for three and a half years, year to date, entitled, Electronic Assassination, which is the compilation of names and/or data, i.e., data base for the Child Abuse

Registries right across Canada. We have researched every child abuse protection law as it pertains to the Child Abuse Registry as well as the intrinsic dynamics, pragmatics of each particular Child Abuse Registry right across Canada, and we have now completed that paper. It is a 314 page journal policy on electronic assassination, including the Manitoba Child Abuse Registry.

Now, concerning the Charter of Rights and how it pertains to the Constitution, I have reviewed the Allaire report, and I could delve into specific areas of the Constitution vis-a-vis Quebec, Canada, Manitoba, the peripheries and the pertinent issues or salient issues that are being debated today. I especially want to focus on women's rights and the Charter of Rights as it pertains to the legal rights and/or any of the afforded fundamental freedoms and democratic rights as well as mobility rights as exhibited in a preamble fashion or also exhibited as a mandatory or discretionary law in Manitoba as well as Canada, because in essence the Canadian law supersedes any and all laws in Manitoba or it should.

Addressing fundamental freedoms, Section No. 2 for those who are not familiar with the Charter of Rights and Freedoms, everyone has the following fundamental freedoms: freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, freedom of peaceful assembly and freedom of association.

Now, concerning equality rights, I can get into each section and subsection, but it would take a lengthy period of time, so I will not delve into it exhaustively. Basically we are dealing with English and French, official languages of Canada, which in a sense is being harboured as a point of contention and/or a point of derision in the meeting today, or being disputed today as a matter of platform issue, indicating here the official languages of New Brunswick and equality of status thereof going right through across Canada and the Charter limits, as well as the authority of Parliament and how it impinges upon each Charter of Rights and limitations in each province, delving into all sections, especially Section 16(1), confirming that English and French are Canada's official languages as well as federal institutions preserving the nature of them.

* (1640)

I will not delve into that. I just touched on that, because it is a matter of issue that is predominant in the Charter of Rights and Freedoms, as is the issues or the mandate that I have already perused.

Now, getting into the legal rights issue, which is Section 7 of this particular book, this is an issue that I have taken a lot of my own personal time scrutinizing. This might be of interest to Jim McCrae today. Knowing that he would be here today, I thought I would address this particular area. I have spent literally hundreds of hours researching the case law, present law and statute laws as pertaining to any precedent cases concerning false accusations of child abuse and/or apprehension of children, and as the Charter of Rights and Freedoms Section 151 and other subsections have been challenged in the courts of Manitoba as well as in other courts, including the Supreme Court of Canada, by Agnes St. Hilaire concerning the issue.

We have a discrepancy or a disparagement of "interpretation" of the Charter of Rights and Freedoms legal rights section as we understand it. It is interesting in Section 10, Subsection (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful. That area in itself has seen literally hundreds of discrepancies and/or abrogations applied to it. It is a matter of interpretation according to the judges and/or judicial councils that we have approached.

We did approach the Canadian Judicial Council for a clear interpretation of some of these subsections and/or discretionary clauses, and not once could they give us clear descriptions and/or interpretations or explorations thereof of any of these areas that we explored concerning Sections 7, 8, 9, 10 and 11. To delve into that today would take hours, to explore that intrinsically and exhaustively. I thought I would just touch on that for the sake of the Honourable Jim McCrae.

What I want to discuss today specifically for the sake of women's rights is the Charter of Rights as to how it applies to those who are victimized in our society, including aboriginal rights, because many of the people who are victimized in our society even today by Child and Family Services are the aboriginal people and/or Native people or Metis people.

My wife, Rhonda McRorie, who is the founder of the Children's Cancer Fund, who is a wonderful advocate for those who are trodden on, who run roughshod in society, is also a co-counsellor with myself. She is a professional counsellor as well as a full-time school music specialist, has had the painstaking privilege of

interviewing literally hundreds and hundreds of single mothers on welfare—we will deal with the whole welfare syndrome now—who have been victimized by this insidious system termed child protection, a would-be child rescue named Child and Family Services of Manitoba. These would-be child rescuers isolate, intimidate, manipulate, harass ruthlessly and mercilessly single mothers on welfare in our province.

We have had the painstaking privilege of interviewing over 814 single mothers since June of '88 who have lost their children due to false apprehensions of child abuse. If you want to discuss a violation or a trespassment thereof of rights intrinsically, inherently, equality-wise, we would address women's rights as it pertains to their rights being totally traversed and trespassed by The Child and Family Services Act, which was assented to on July 11, 1985.

I have drafted as well as a number of judges and lawyers in the city who work as a PRO-VOCAL counsel with VOCAL, a referendum to The Child and Family Services Act, which is 14 pages in length, and I have presented it to the honourable offices of the Province of Manitoba including Jim McCrae's office back in November of 1989 during a hunger strike. To this point, we have not received the courtesy or decency of a response.

The referendum was professionally prepared by Judge Jack Walker and a number of other prominent lawyers who prefer to remain unnamed at this point in time until it gets to a high-profile stage, hopefully during a public inquiry into this whole scam. It was professionally scrutinized by the American Legal Association as well as the American Civil Liberties Union, whom I am also an honourary member of, as of July of 1990. As far as they are concerned, it is a very exacting and, in essence, a very exhaustive indictment of certain salient mandatory issues that are presented—I use the word congenially—in The Child and Family Services Act.

I will not delve into the referendum issues or referendum debate today, because it is a very, very thorough and legalistic series of documents. Knowing that Jim McCrae is on the task force board here, I would appreciate his feedback when he has the chance to peruse it and scrutinize it.

Concerning women's rights, as I indicated prior to this jurisdictional statement of concern, the main profile, the main target, call it what you will, of people who are targeted by Child and Family Services are single women on welfare who are defenceless, who can be manipulated and isolated in the most horrendous manner, and who depend upon a foible of a system called Legal Aid to represent them during certain auspices of legal representation starting with your VPAs to your temporary guardianship orders and permanent guardianship orders right through the pretrial motions, motions and, of course, the adoption orders, the legal adoption orders I might stress.

It is a very serious issue because we are dealing with now 8,394 children since April of '85 who have been apprehended by Child and Family Services. This 8,394 children, as of last Friday in the computer—and I keep a daily legend, chronological legend and sequence of all orders starting at the apprehension stage to the adoption stage—are children who are supposed to be either fostered or adopted out in the province of Manitoba.

The facts are there are less than 1,460 children in foster homes, group homes and care homes in the province of Manitoba. My question to this panel is concerning women's rights and Charter of Rights and this whole area that we are canvassing—where are the children?

According to Jim Bakken and Ron Fenwick whom I met with numerous times as well as John Klassen, Winnipeg South exec. director, and a number of other Government dignitaries, including Charlotte Olsen a number of times, upon submitting my data and my documentation on profiles and research on the number of children that we had discovered with name changes, et cetera, in the States as well as Europe and New Zealand, they claimed that the computerized software, the discs upon which the names were transferred in October of 1989 were lost by Government Services.

I indicated to Mr. Jim Bakken, Ron Fenwick—and I fell off the back of a dumpling truck yesterday—I do believe you, but I want personal profiles on, at that time, 8,267 children who had been apprehended in the province of Manitoba. We are paying for foster care and group home care as well as VPA orders in the Province of Manitoba on a per diem rate.

Again they reiterated their position that many of the records were lost, the files and notes which were used as a foundational data base for which the information was relayed onto the soft discs was also discarded after the information was translated onto the hard discs and soft discs for the programs. In essence, what these Government dignitaries were indicating to

me was that there are no records of these children, there is no record of name changes, there is no record of data bases and/or documentation on any of the personal profiles of these children.

In essence, we are looking here at a holocaust in Manitoba. We have 8,394 children who have been apprehended since the month of April 1985, when Child and Family Services received the authority by inception of Judge Kimelman's inquest into the Children's Aid Society, at which time no less than 1,600 children had been found to have been sold by the Province of Manitoba to American citizens at this particular inquest. Since that time, we are now looking at close to 6,712 children who we cannot account for in the province of Manitoba.

* (1650)

As far as short-shrift, this may seem like a preliminary, as well as a futile, exercise as far as the exploration of this particular area concerning the Charter of Rights and the Government jurisdiction thereof concerning who answers for these lives and who answers for this tragedy, this enigma, this proliferous enigma that besets us in Manitoba.

The facts are the issue must be addressed, and I consider it a very high profile issue. I have contacted the RCMP. I have given documentation to other authorities that are presently investigating, including the FBI and the Current Affairs Broadcasting Network Investigation Bureau in New York, who I met with at the child abuse and neglect symposium, and they are going to be investigating the matter in Manitoba.

They are going to be coming to Manitoba, hopefully in the springtime of this year, at the end of April, and canvassing this particular area with Government officials involved at the Child and Family Services personnel, private agencies in personnel.

So I can delve into pragmatics and specific data about each case and profiles. I have all kinds of profiles here as it pertains to the whole syndrome concerning the growing crisis, and false child abuse reports, and those people who are considered our child rescuers, or child protectors, who in themselves are voyeuristic in their investigations, and concerning the data that they have compiled or the data bases they rely upon; for example, the one in four as well as the one in five.

Now, even Rix Rogers admitted to me upon exploration of his data base that he relies upon a figure that was postulated to him a number of years ago at an open-line radio show and he has always governed himself accordingly. He would indicate that, well, one in four, one in five, are your stereotype figures, and that is what my data base is founded upon. The facts are that .0297 and .01324 are the exact figures compiled over a 10-year period in the States as well as Canada.

Mr. Chairman: Your time has elapsed, sir. You probably came in late, and therefore did not hear how the rules work, but there was a single bell at 15 minutes and a double bell at 20, so—

Mr. Borden: Oh, sorry.

Mr. Chairman: —the double bell has gone. Are there any questions of Mr. Borden? Was there something else you wanted to leave with us, sir. I see you have a lot of material there.

Mr. Borden: I could leave whatever—sure. I could leave other documentation with you.

Mr. Chairman: Just as you please.

Mr. Borden: Thank you.

Mr. Chairman: Any questions? Thank you very much, sir.

Mr. Borden: Thank you.

Mr. Chairman: That completes our presentations for this afternoon, ladies and gentlemen. We will return at 7 p.m. this evening for another session with the citizens of Manitoba sharing their views with us on the subject of Canada's future and the future of Manitoba within this country.

I would like to thank those who have been with us this morning and this afternoon, both here and on television as television viewers, and if you are able, we would be delighted to see you come and join us again this evening.

Jusqu'à sept heures ce soir. Je veux dire merci beaucoup.

(Translation)

Until seven this evening. Thank you very much.

* * *

The hearing took recess at 4:54 p.m.

After Recess

The hearing resumed at 7:10 p.m.

Mr. Chairman: Good evening, ladies and gentlemen. Welcome to our third session of this day here at the Payuk Intertribal Co-operative. May I again say good evening to our friends who are watching on cable

television. I would like to welcome those who are here in our audience tonight, both as presenters and also who have come to listen to others.

I would like to announce formally that there will be an extra day's sitting of the task force next Monday at the Legislative Building, Room 255. We have had such a large response of people wishing to come and share their thoughts with us that we have had to schedule an extra day. That day will be from 10 a.m. until noon, 1:30 p.m. until 5 p.m. and 7 p.m. until adjournment, the day, of course, being, as I read my calendar, the 11th of February, next Monday. We will sit next Tuesday, if necessary. We have not made a decision yet. We will see how the list has been added to today, and Tuesday remains tentative. It will be announced one way or the other, I would think tomorrow, as to whether we will need to sit on Tuesday.

I have great pleasure in introducing the Members of the task force with me this evening. I suspect almost all will be familiar to many in this room but, in the interests of being sure that everybody knows everyone, I will start on my immediate right. Mrs. Shirley Render, a Member of the task force, is the Conservative Member of the Legislature for St. Vital. Next to her is the Honourable Jim McCrae. Mr. McCrae is the Conservative Member of the Legislature for Brandon West and is Minister of Justice and Minister of Constitutional Affairs in the Manitoba Government. At the end of the table on my right is Mr. Oscar Lathlin, the New Democratic Member of the Legislature for the constituency of The Pas.

On my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Crescentwood. Next to Jim is Ms. Jean Friesen. Ms. Friesen is the New Democratic Member of the Legislature for the constituency of Wolseley. At the end of the table on my left is the Honourable Darren Praznik. Darren is the Conservative Member of the Legislature for Lac du Bonnet. He is Minister of Labour, among other things. I think he recently acquired Workers Compensation Board as something to add to his portfolio in the Cabinet shuffle that occurred just earlier this week. My name is Wally Fox-Decent.

The rules, ladies and gentlemen, are very simple and we hope reasonably comfortable. You come forward when your name is called, please, and take your place at the table here close to us. There will be a 20-minute time limit on speeches. You will hear a bell after 15 minutes. That means you have a five-minute period left; a double bell after 20 minutes when we would ask you if you would be kind enough to finish your remarks and there will then be the opportunity for Members of the task force to ask you questions.

You may or may not be questioned. Please do not feel insulted if you are not. It may be that your presentation is crystal clear and does not require any amplification or clarification and in which case it may be there will be no questions. In other situations there is something that seems to one or more of the Members of the task force to need some further discussion, and they will then ask you if you would be good enough to respond to a question.

We are ready for our first presenter of the evening, the Aboriginal Council of Winnipeg. I understand that Mr. Eric Robinson is presenting and is indeed President of the Aboriginal Council of Winnipeg. Sir.

I might say, while Mr. Robinson is readying himself and we are receiving copies of his presentation that at last count we have I think 13 presentations this evening. So you can see we have a very full evening indeed. We would ask your co-operation to say, of course, what you want to say, but please be helpful if you can in terms of the time lines. We are very anxious to hear everybody and at the same time not keep people here unreasonably late.

Mr. Robinson, good evening.

Mr. Eric Robinson (President, Aboriginal Council of Winnipeg): Thank you, Mr. Chairman, Members of the task force, this presentation is being made on behalf of the Aboriginal Council of Winnipeg.

Realizing your time factor and time considerations, I will not fully read the brief that we have placed before you, but I would like to highlight some of the main points and some of the main factors contained in our presentation to your task force.

Also allow us to express our personal sentiments respecting the task force. The Manitoba Constitutional Task Force has undertaken to examine the requirements of a renewed constitutional framework and to investigate ways and means in providing justice to the aboriginal people of Manitoba. This task will not be easy for the deplorable human conditions that aboriginal people suffer today, and may find, of course, these roots deep in Canada's history. The inequities and the injustice suffered by the aboriginal people in Canada have grown to such a magnitude that many non-aboriginal observers are

now realizing that the treatment of our people has been a national disaster.

At the United Nations, Canada is regularly reminded of this brutal and tragic situation. Therefore, in our opinion, it is highly commendable that this provincial Government is making serious and, I might add, painful attempts to reconcile and adjust to Canada's historical sins.

We have seen how the media have intensified the differences that we all thought would remain buried. Feeding on this new demand for equality and justice, we are perhaps more confused as to where we are going to lay the blame. There have been suggestions made that the human conditions can be changed by a revitalized system of rewards and punishment, producing the kind of changes we would all like to see.

Throughout our history, people who are working with our people, aboriginal and non-aboriginal, have repeatedly expressed a profound feeling that somehow the system we have to work with is not working the way we want it to. There is an old saying that says, one man's justice is another man's injustice.

Canadian colonial laws began to take shape when Lord Selkirk brought in Scottish immigrants to Canada in 1812 under the colonial authority of the Hudson's Bay Company. These laws encroached upon the indigenous people's aboriginal rights, and resistance against colonial laws could be traced back to 1821. When military takeover failed, peace treaties resulted to what we call the greatest con job since the United States Government bought Manhattan Island for $2.15.

It is in this particular era that the Indian, his lands and resources, became the victim of a complete legislative takeover. Who enacted these laws that reduced the first peoples of Manitoba to a refugee status in their homelands? That question we all ask. Their oppressors enacted these laws, and it is the oppressors who enforce and administer these foreign laws.

* (1920)

Now only after the death of Meech Lake, you as task force Members have been charged with the ominous task of finding justice in the jurisprudence of the oppressor for the oppressed.

If this task force is to succeed, it had better be in the company of those who are in the business of building human relations bridges as opposed to those seeking to find someone or something to blame.

According to our information, nowhere does a model of relations exist between indigenous peoples and a nation state like Manitoba that is acceptable to indigenous peoples. There are, however, hundreds of examples where the practice of deception has been used to successfully administer a legislative takeover in indigenous nations.

Members of the task force, we are made up of a people who are the descendants of the original landlords who occupied this territory now known as Manitoba and Canada for thousands of years. We had the capacity to teach, heal, provide for our people and sustain ourselves by maintaining a civilization that coexisted in harmony with all living things for thousands of years.

By contrast, Manitoba has only been in existence in the last 200-year period and has rendered so much environmental damage that life in the next 100 years is in serious question. The contemporary reality and respect to human rights and justice, we as aboriginal people have been greatly weakened by nation-state Governments that have risen from weakness to power with the help and co-operation of indigenous people.

Indigenous nations permitted the small and helpless nations to organize Governments and establish laws. These laws permitted an increased entry of political and economic refugees from Europe. During this process as well, a con job of cultural deception was to be of importance to gain control over Indians and their lands. The early Europeans began a selective process of convincing the aboriginal people that it is the destiny of European nations to govern, control and exploit the indigenous peoples, their land and resources. They argued that they had a right to govern the world because they were superior beings. Aboriginal people on the other hand were primitive, savage and incompetent. Therefore, aboriginal people have been treated as subhumans over the years.

I would like to again go further on to the presentation that they say we are being told that Canada is a land of freedom for the oppressed. What they are not being told, however, is that Canada in 1969 sought to destroy their culture, religion, history and languages as well as their treaty and aboriginal rights. Federal Indian termination policies, coupled with intolerable social and economic conditions between the late 1950s and the late 1960s, began to depopulate the reserve and aboriginal communities. According to the Hawthorne Report, 250 out of 1,000

were living off the aboriginal communities in the year 1968.

With more aboriginal people finishing high school and economic conditions remaining poor, the majority of the aboriginal population will shift to urban areas such as Winnipeg. To further illustrate that, the Nielson Task Force Report of 1987 states "by 1991, the year that we are living in now, that one out of two people seeking employment in Manitoba and Saskatchewan will be of aboriginal ancestry." The public appearance of aboriginal poverty has produced unprecedented problems.

The aboriginal population on average has a lower level of education, a lower rate of participation in the labour force and lower employment income than the non-aboriginal population. Also, aboriginals experience much higher unemployment rates than non-aboriginals. The vast majority, 83 percent of the aboriginal population, lives in the downtown Logan, west central areas, the Brooklands, and east St. James areas, the near north end and the Elmwood areas of Winnipeg.

Compared to the total population, a much higher proportion of the adult—15 plus—aboriginal people in 1981 has less than a high school education—83 percent versus 56 percent. Both aboriginal men and women have a lower rate of participation in the labour force—66 percent versus 79 percent for men; 40 percent versus 57 percent for women. Those who do not participate in the labour force, experience unemployment rates four times as high as for the total population—20 percent versus 5 percent for men—and their employment income is considerably less than the total population—$10,800 versus $17,000 for men; $6,000 versus $9,000 for women.

The most striking characteristic of the aboriginal people in the Winnipeg core area is the extent to which they are dependent and manipulated by Government bureaucratic services. Core area programs distribute scarce programs, they punish, reward and control the information network regarding employment, housing and welfare. They do not merely affect the adjustment process of the individual aboriginal entering the city; they are an intrinsic part of the dynamic shaping of the aboriginal/non-aboriginal stratification system itself.

I need not remind you of the social and economic system that we are faced with as aboriginal people. In the urban environment, we are perhaps unique from all other ethnic minorities. An aboriginal person is a refugee in his own homeland because he is denied any control over his life, and at the same time, conditioned to reject his aboriginal birthright. This creates a volatile situation which, when it is ruptured, ends up in the criminal justice system. The only thing bottling up a real violent spillover to the larger society is the sterile exchanges of money for more or less. And while this practice is immobilizing the anger and frustration towards the larger society, the violence is redirected inward to the aboriginal people. This is the major cause as to why aboriginal people are subject to the damaging impacts of the criminal justice system's heaviest sanctions.

In 1984, the aboriginal representation at the Stony Mountain penitentiary was 33 percent. In 1987, this has grown to about 43 percent. By contrast, the aboriginal represents 6 percent of Manitoba's population. Here in Winnipeg the aboriginal people represent approximately 10 percent of the city population. I would like to illustrate for you, too, the aboriginal people represent approximately 40 percent of the Stony Mountain penitentiary population. Total admissions have been as high as 60 percent over the years.

I would like to tell you task force Members that the Aboriginal Council of Winnipeg was formed in 1990, last summer in the month of June, through the amalgamation of two organizations that existed in the city of Winnipeg, the Urban Indian Association and the Winnipeg Council of Treaty and Status Indians. The purpose of our council, Mr. Chairman and task force Members, is to unite all aboriginal people who live in the city of Winnipeg, whether they be treaty, non-treaty, status or non-status by protecting, enhancing and perpetuating the treaty and aboriginal rights of our people; establishing, protecting, and expanding the aboriginal and other rights of non-status Indians throughout the city of Winnipeg and Manitoba; assisting Indian people in their transition from rural to an urban environment; promoting the cultural identity of Indian people; and at the same time dealing with the federal, provincial and municipal Governments with respect to matters pertaining to off-reserve aboriginal people residing in Manitoba.

The Aboriginal Council of Winnipeg was established last year then to deal with these many serious problems that are facing Indian families who are trying to make a go of it in Winnipeg and also other urban centres.

Forty percent to 60 percent of aboriginal people are now living in urban cities, and every year thousands more join us as they leave their resourceless reserves and rural communities in search of a brighter future. This is the major social and economic problem in Canada—Canada's fourth world, it might be regarded. That is us, the urban aboriginal people. We have not relinquished our aboriginal and treaty rights and freedoms, but we must organize for change to meet the social and economic demands for urban lives and experiences. Therefore, that is why the Aboriginal Council of Winnipeg was formed, to address those very issues.

We realize that there are no simple solutions to the devastating situation facing aboriginal people today. What we can say, however, is that we cannot allow ourselves to continue to repeat the same mistakes this Government has made in the last two decades. For example, 95 percent of the studies and recommendations for progress done about the nation has been by non-aboriginal experts. It might surprise you to know that we have a host of aboriginal experts who are aboriginal and have first-hand experience of being processed by the ghetto and also its systems. They know the problem because they have been there, and they know what it takes to escape that system. I would like to suggest that this task force do its utmost to find aboriginal professionals who are capable of articulating a solution if such a requirement results from this process that you have undertaken.

[sic] (1930)

Again, Members of the Constitutional Task Force, the Aboriginal Council of Winnipeg is in the process of identifying, developing and furthering its own role and relationship within the larger dominant society in the city of Winnipeg. We, as you in the field of constitutional justice, are thinking about and assessing and reassessing our role, structure, mechanism and forms which can more adequately be expressed and give meaning to our own aboriginal community, its relationship to the city, the province and to the federal Government.

Given the understanding that a host of human service agencies aimed at the aboriginal community are already operating in the city, the Aboriginal Council of Winnipeg is involved in the major shift in the process of development of the aboriginal dispossessed, and you will read that further as you read the document that has been placed before you.

The urban aboriginal problem becomes more explosive as time passes. For this very reason the Aboriginal Council of Winnipeg must be directly involved in the planning stages and developmental process of any urban aboriginal adjustment strategy, including matters pertaining to constitutional matters and the administration of justice and its impacts on the aboriginal constituents of Winnipeg. Due to the financial restraints and recently announced deficit reduction plans of the federal, provincial and civic Governments, the Aboriginal Council of Winnipeg has been instrumental in advocating for increased resourcing for a number of aboriginal, community-based service organizations in the city of Winnipeg, such as aboriginal language programs and child welfare services.

Realizing again, Mr. Chairman, that the time restraints—I believe I heard the 15-minute bell—I would like to quote the Honorable Premier who, during the last provincial election, made a commitment to address the urban aboriginal situation. He said, this Government will address the plight of the urban aboriginal people as a top social and economic priority. We shall review the effectiveness of current housing programs including transition homes for victims of family violence. Social problems are also a major concern. We will examine existing employment and training programs and improve them where we can. Greater employment opportunities are also a major priority. Strategy is needed to deal with these vital issues, with input from aboriginal leadership, municipal leaders and the federal Government. We want to see a greater input of the federal aboriginal economic development program for aboriginal people in the urban area and from other federal programs for the disadvantaged. A co-operative and a practical approach will be required by the province, the city and federal programs to tackle these serious urban aboriginal problems.

Mr. Fox-Decent, Members of the task force, we leave with you, on behalf of the Aboriginal Council of Winnipeg, these recommendations: firstly, that the Aboriginal Council of Winnipeg be directly involved with the City of Winnipeg, the Province of Manitoba and the federal Government in the planning, design, resourcing and implementation of a comprehensive urban aboriginal development strategy in the city of Winnipeg; that the City of Winnipeg, the Province of Manitoba and the federal Government delegate and appoint political and technical representatives to form an urban aboriginal planning commission with the

Aboriginal Council of Winnipeg, of Manitoba, for the purpose of developing a comprehensive urban aboriginal development strategy agreement for aboriginal people in the city of Winnipeg; that the urban aboriginal development planning commission be empowered to make decisions and conclude negotiations with respect to a comprehensive urban aboriginal development plan and to be implemented in concert with the urban aboriginal development strategy; and that the Aboriginal Council of Winnipeg be given a voice on all present and future constitutional matters that directly affect aboriginal people in urban settings throughout the Province of Manitoba most particularly.

We find these to be very important, and we find that it is time that the voice of the aboriginal people in the urban community be taken more seriously by the Governments at whatever level they may be, and again I reiterate that we would like to be involved in the constitutional process whatever shape or form that may take in the time to come.

Mr. Chairman: Thank you very much, sir, and I am particularly grateful to you for taking an excellent brief and summarizing it within the time allocation, and I assure you that we will read it from cover to cover. Questions? Thank you very much, Mr. Robinson.

Mr. Robinson: Thank you, Mr. Fox-Decent.

Mr. Chairman: The next presenter is the Peguis Indian Band Chief, Louis Stevenson. Good evening, Chief.

Mr. Louis Stevenson (Chief, Peguis Indian Band): Thank you, Mr. Chairman, Members of the Manitoba Task Force. On behalf of the people of Peguis, I bring you greetings, and we want to thank you for this opportunity for having the public invitation to make this presentation here this evening.

Mr. Chairman: Thank you for coming.

Mr. Stevenson: In respect of the time limitations, we have kept our presentation brief. At the same time we recognize the importance of registering our position with this opportunity here during the course of these hearings.

We have made copies of our presentation to the Members. I believe you have a copy.

Mr. Chairman: We have them in front of us, sir. Thank you.

Mr. Stevenson: Our presentation is titled Constitutional Justice in the 1990s (Current Remedies to Correct Past Wrongs). The Manitoba Task Force on the Constitution has the opportunity and the means to effect constitutional justice for all Manitobans, Canadians and, indeed, First Nations. These opportunities, along with the requisite tools, place your task on constitutional importance naturally in the forefront. How you seize this opportunity and how you effect constitutional changes that equate to constitutional justice is certainly well within your purview, and certainly the results would dictate if this opportunity was squandered or, perhaps, well invested. In that sense, there is a heavy onus and a high duty to ensure your efforts will culminate in a realization of constitutional justice and constitutional integrity for all peoples, including the First Nations.

Sharing is an Indian way of First Nations co-existing with other peoples. Just as our forefathers have shared Mother Earth with your forefathers, I would like to share some comments, ideas and recommendations with the task force this evening. In terms of consistency, when we shared our land, you eagerly grabbed our land. I hope that you would also eagerly grab and appreciate my comments and presentation here this evening.

One aspect of constitutional justice is to give First Nations' concerns a top priority, and supplementary to that is to use and implement the recommendations that are submitted to this forum. On behalf of the Peguis Band, I thank you for this opportunity to address this task force. Your task is very important and will be under public scrutiny. I am optimistic that your work will be right, just and equitable.

It is interesting to note that there are concurrent hearings in Quebec on Canada's Constitution with the primary focus on separation from Canada. The people of Quebec are striving for greater control over federal matters, and it is possible that the Plains of Abraham may well be seen as a rematch but fought in a constitutional arena. For a conquered people, the people of Quebec certainly enjoy a lot more constitutional rights than First Nations who were never conquered.

* (1940)

After 1760, the signing of the Treaty of Paris in 1763 purportedly gave the British Crown sovereignty over those lands in Canada. How the British Crown gained sovereignty without dealing with the Indian First Nations appears to be a fiction in history that has to be corrected. France would not give up sovereignty in Canada to England because France never received sovereignty from England. In simple terms,

you cannot give something that you do not own. Sovereignty, self-determination or self-government was not included in any treaty discussions that ensued in later years.

Certainly in 1871 when Treaty 1 was signed, the Indian nations in Treaty 1 and other treaty areas never ceded sovereignty nor their right to self-determination nor their right to self-government. These rights continue to exist today and the First Nations peoples are demanding recognition of those rights. The Canadian Bar Association recently passed a resolution that recognizes the right of self-determination of First Nations. We are asking that you recognize these rights and that a strong and sincere effort be made to have these rights enshrined in the Canadian and Manitoba Constitutions.

After the treaties were signed and after there was encroachment upon our lands, there were a number of federal statutes that purported to restrict the daily lives of First Nation members. These federal statutes were consolidated in 1876 by the Minister of the Interior Laird into what is known as the Indian Act 1876. This piece of infamous legislation and its subsequent amendments would wreak havoc on First Nation institutions, but it did not take away the right to self-determination or the right to self-government.

It does appear ironic that a people who were defeated in conquest enjoy more constitutional rights than a people who were not defeated but signed treaties and alliances with the British Crown. We do not dispute the demands that the people of Quebec have over distinct society recognition. Our only request is that we deserve the same recognition of our distinctiveness. If 300 years of living in Canada is a benchmark for this recognition, then First Nations have easily exceeded the test.

When the Constitutional Act 1867 was being drafted by your Fathers of Confederation, they were very careful in delineating the powers of the federal Government and the powers of the provincial Governments in Sections 91 and 92. A major omission on their part was their lack of appreciation of the third order of Government, Indian or First Nation Government, and as a result there was no constitutional recognition of Indian self-government.

It is not too late to redress these wrongs that were committed 124 years ago. A fair and just remedy is to include in the Constitution Act 1982 Indian Government as a third order of Government. Actually, if one were to retrace the steps in history, we were the first order of Government, but we do not mind sharing the constitutional space with the two other Governments.

As the first peoples on this continent, the First Nations have always had the right to self-determination, the right of people to control their own destiny free from alien rule. Further to that, it also includes the right for a people to freely determine their political status and freely pursue their economic, social and cultural development.

Two covenants signed by the United Nations in 1966, Civil and Political Rights, and Economic, Social and Cultural Rights, speak of self-determination: All peoples have the right to self-determination.

Canada, in signing these covenants in 1976, has committed to promoting the realization of the right to self-determination. Self-government may flow from self-determination. Self-government also arises by the very nature of Indian First Nations being here since time immemorial. Thus they have an inherent right to self-government, a right that was never signed or bargained away in any treaty or agreement, a right that was never lost or given up through Indian Act encroachment upon traditional Governments, nor the encroachment of other governmental Acts and regulations. There was never any acquiescence by First Nations to foreign Governments.

The Penner Report of 1983 recognized the need for a new relationship between the federal Government and First Nations, that being self-government. The Penner Report further stated and recommended that the right of self-government be stated and entrenched in the Constitution of Canada.

The Minister of Indian Affairs is embarking upon a salesmanship trek to sell self-government to First Nations through legislation. Our right to self-government is not based on a piece of federal legislation. Our right to self-government is an inherent right, an aboriginal right, and must be entrenched and affirmed in the Constitution.

For those less enlightened individuals who continually ask for a definition of self-government, all they have to do is to visualize for a moment on how any provincial Government operates, and the First Nation self-government will begin to focus along a similar pattern. Self-government would include jurisdiction over land, freedom to organize our societies into political units and institutions, the power to pass laws governing our people without

interference by other Governments and the power to administer our laws and programs, and like provincial Governments, be entitled to transfer payments, fiscal resources to meet these responsibilities. Most First Nations visualize their Government as part of the Constitution and would operate under that framework, and as a result, there is no mention of secession from Canada.

If we are to seek constitutional justice in our time, First Nations, such as Peguis, are prepared to provide recommendations for your implementation in achieving this goal. History has shown us that First Nations have not been treated in a fair manner. Our land was sacrificed so we can share it with other peoples. Once the new Canadians secured a toehold in this country, our institutions, our peoples, our traditions and our culture have been repressed by a federal Government who was to act in our best interests in a fiduciary capacity.

The opportunity is there, along with the necessary tools, to throw off the repression that our peoples face once again. Once again, we can truly operate as Governments, as we once did. Your mandate and authority, if exercised properly, will reaffirm and restore our fragile constitutional rights. I am optimistic that you will carry out your function to the fullest so the fruition of constitutional justice for First Nations will be realized in this decade. Recommendations for your implementation are attached.

Summary of our recommendations:

1. The Peguis First Nation recommends that aboriginal issues be the first priority in all constitutional discussions. If our recent experience with Meech Lake tells us anything, it should be the first priority, not only for this province, but all the other provinces in Canada, including the federal Government.

2. The Peguis First Nation recommends that the Constitution of Canada be amended to recognize aboriginal peoples as the fundamental and original characteristic of Canada.

3. The Peguis First Nation recommends that the Manitoba Act, 1870, as the basic constitutional document of the province, be amended to recognize aboriginal peoples as the fundamental and original characteristic of Canada.

4. The Peguis First Nation recommends that the Constitution of Canada and the Manitoba Act, 1870, be amended to recognize aboriginal peoples as distinct societies within our own languages, cultures, traditions and institutions.

5. The Peguis First Nation recommends that the Constitution of Canada and the Manitoba Act, 1870, be amended to recognize our inherent right to self-government and the existence of aboriginal governments as a third order of Government in Canada.

6. The Peguis First Nation recommends that the Indian Act be radically revised and renamed to render it consistent with aboriginal sovereignty, such revisions to be made in accordance with the wishes of the First Nations.

7. We recommend that the Constitution of Canada and the Manitoba Act, 1870, be amended to recognize our right of aboriginal title, as defined by aboriginal peoples, to signify our original and special relationship to Mother Earth.

8. The final point, the Peguis First Nation recommends that aboriginal peoples be equal participants in all constitutional conferences.

In conclusion, I would just like to state that we hope that the Manitoba Government and the other First Ministers in this country will see to it that the aboriginal people of this land are given the same respect and consideration that seems to be provided for the people of Quebec.

Even though the Meech Lake Accord was defeated, again the focus and priority seem to be on the importance of keeping Quebec within Canada. We recognize that as being important as well, and if anything, we would like to see Canada remain whole as it is at the present time. However, at the same time, we would like to state that our people and their rights, our land, our resources, our culture, our languages—we feel they are just as important as French Quebecers.

° (1950)

It makes us wonder how Canada is going to respond if Quebec insists on pursuing independence and sovereignty. Will Canada act in the same fashion to defend this country? Will they act in the same fashion when the Mohawks express their aspirations for sovereignty and independence by sending in the Canadian army or armed personnel carriers or tanks or CF-18s or ships? Will Canada respond in the same fashion if they truly believe that all Canadians must live under the same law? Will the Canadian Government defend Canada the way they responded to the Mohawks by proposing to use tanks for

humanitarian reasons as the Quebec police propose to keep the Mohawks in line to protect this country?

We hope that this province and this country will award the aboriginal people the same respect and the same protection for our interests as they are providing to the province of Quebec. The province that seems to be looking for the most consideration, for the most understanding, has not given that same respect and same consideration to aboriginal people.

It really bothers me when I see Quebec responding to aboriginal concerns the way they have. They have the gall to suggest that the Indian people in Quebec should speak French as a first language, and they despise the Mohawks when they protect their lands and their rights by calling in the Canadian army or the stoning of their elders, women and children. Quebec is the least supportive of the Canadian army being involved in the Gulf War, but they see no problem in using the Canadian army to protect their rights and interests in that province. I see that as being ironical and hypocritical.

I hope that with the ongoing discussions regarding the Canadian Constitution, that it will all come together and that all people will be treated equally and fairly in this country, including the aboriginal people. Thank you.

Mr. Chairman: Thank you very much, Chief. Questions? Mrs. Render?

Mrs. Render: At the risk of being one of those less enlightened individuals who has questions about self-government, I wonder if you could tell me whether the principles of self-government hold only for those who are living on the reservations or also for those who are in the city of Winnipeg, for instance.

Mr. Stevenson: Our position is that one does not cease to be an aboriginal person by stepping beyond the imaginary boundaries of the reserve, and we feel that an aboriginal person should retain the same rights to which they are inherently entitled whether they live on the reserve or live off the reserve. To us, self-government means controlling all those matters that relate to people, land and resources, and we feel that the same rights that the people living on the reserve enjoy in terms of our treaty rights and benefits at the time should also be enjoyed by the treaty and aboriginal people who are living outside the reserve boundaries.

Mrs. Render: Does that also include the justice system?

Mr. Stevenson: I said all matters affecting people, land and resources, and that would include the justice system.

Mr. Chairman: Any other questions? Thanks very much, Chief.

The next presenter, Professor Jon Gerrard. I may be mispronouncing that, sir, and you will forgive me if I am?

Mr. Jon Gerrard (Private Citizen): Jon Gerrard.

Mr. Chairman: Jon Gerrard. Wrong on both counts, right?

Mr. Chairman, there are many things about this country of ours which are very precious. It is not perfect, as we have heard from the aboriginal people who have presented here. There is clearly much to improve. But it is nevertheless true that we have many special places, special people, special ideas as a result of our historical development. We have allowed and encouraged people of different languages and different cultural backgrounds to keep in touch with their current cultural origins. The result has been in general a better understanding of different cultures, and this has led to economic and other benefits in a global sense as we draw on our well of cultural and linguistic diversity to trade with and to communicate with peoples around the world.

We are, I think it is accurate to say, now at a turning point. We can try to continue as a single country, or we can divide into two. We can try to maintain and to build upon our cultural diversity and to maintain the increased tolerance and understanding which has been a major hallmark in many aspects of our development as a country. On the other hand we can divide into two countries, each more homogeneous perhaps, but each likely to be less tolerant and less able to understand and trade with and grow with and prosper in a diverse global world.

In this context I think, the threshold, the turning point, Manitoba has a particularly important role to play. We have a society which is diverse, with many Anglophones, Francophones, aboriginal people, many others of varied cultural backgrounds. We have your constitutional commission touring the province to listen to people and ideas. Moreover, I think it is true that the people of Manitoba have shown a very considerable desire to adapt and to work and to try to develop better communication with others across this country. As one example, there has been a remarkable growth in French immersion attendance, and that has not occurred as a result of Government

decree, that has occurred as a result of individual Manitobans walking with their feet or with the feet of their children and trying to reach—

Time is moving quick, is it?

I sent a letter to the Belanger-Campeau commission, which I will circulate at a later time, which deals with this aspect of the Manitoba society in a bit more detail, but here what I want to focus on, and I decided to come and present my thoughts because I was upset that many people who had come before you in the initial day or so seemed ready to give up on this country of ours, suggesting that it was time to let Quebec go.

You know, part of the reason that I think that it is not time to do this, I think that Canada deserves another chance. I think the reason for this is that I am very angry about the process that led up to the Meech Lake Accord. During the election of 1984, we were promised a process that was very different. Instead, we got a lot of behind-the-scenes negotiation, followed by deals struck behind closed doors by the First Ministers, a deal we were told could not be altered; not a comma could be changed. At the very last minute, after much concern was raised across the country, including by the commission which you chaired, a meeting was held, a pressure-packed meeting. Again almost all was behind closed doors. Our Prime Minister rolled the dice, in his own phrase.

* (2000)

The bottom line, I think it is fair to say, is that Canada never really had a good chance in the process that led up to the Meech Lake Accord. It is time to change that. It is time to do something different. We need a fundamental recommendation from your commission, a recommendation for a different process. The first thing about that process is that it has to be open.

I speak to you not as one who has any particular constitutional expertise. I am a physician. I look after children who have cancer, and these children who come to me to be looked after because they have cancer, I have to deal with high-risk situations, situations where there are considerations of death and dying on a frequent basis. In a sense we are dealing with at the moment in Canada a high-risk situation, a situation where there may be a death, a death of a country.

I think that some of the things, some of the lessons that I have had to face, deal as I have dealt with the children and their parents and their families, sorts of things that we have to appreciate, it is vital that we try every conceivable means to see if we can save this country, just as we would try every possible means to save a child who has cancer. It is also vital that the process be open.

If we have a child with cancer, and I have seen it happen with other physicians where the situation is not open, where things are kept hidden and kept secret, you have a tremendous buildup of anger, of hostility, of guilt, because they are not given fully to understand the options, possibilities and to know what is happening at every step of the way. I think it is vital for this country that the process be open not only at the level of the Spicer commission, but at the level where the real decisions are made, that we must have a forum where the step-by-step process of going through constitutional change is made, that is open. That is point No. 1.

Whatever the form is in which we have a discussion of constitutional change, and I think that no one can disagree that there must be major constitutional changes in this country in the next little while, it must be open. You know, we were promised this by Mulroney in his book, "Where I Stand" said very specifically that the constitutional process should have a process in which, "the debate would be entirely open and public at all times," and he underlines, there should be no sessions behind closed doors. Is it any wonder that people across this country feel cheated in the last process, feel lied to, feel upset, feel angry? You have had many such people coming before your commission. We need a change.

So the first thing the process has to be is open. The second thing, clearly, is that it needs to be representative—individuals from all Parties and from all regions of the country. There must be representation from aboriginal peoples, unquestionably, given the clear-cut and troublesome issues that we face in changing the Constitution in terms of aboriginal people. I am going to come back to the representative question in a moment.

The third, fundamental thing which needs to happen is the process must be full time. We are not going to get an adequate, serious step-by-step deliberation of every phase of the Constitution if we have part-time people who have major other responsibilities in terms of running the economy, running Canada at war, et cetera. We need a forum in which the focus can be full time, representative, and open.

The process is likely to take, I would guess, at a minimum, a year. Events are currently moving so fast that speed is of the essence in assembling the people who would be involved. I think 10 to 12 people as in the Spicer commission are clearly not sufficient. I suspect an assembly of 100 to 200 people is more likely to be necessary in order to ensure that it is fully representative. One must spell out the decision-making process; mechanism for ratification of decisions made by such a forum, whether that be approval by provincial and federal Legislatures, or approval through referenda. These sorts of things which would need to be discussed and decided upon.

There are obviously a number of very fundamental issues which need to be addressed: the concerns of Quebec; concerns of the West regarding Senate reform; concerns of aboriginal people; concerns of the North and admission of the new provinces, which really was a major problem with the Meech Lake Accord; and the rights and freedoms of all people, women and all others, in our society, so that people from whatever background can grow and prosper within a new Canada.

There are those who may argue that it is too late. I do not believe this. Even Premier Bourassa has said that Canada should be given until the end of 1992 to have something put before the people of Quebec in a referendum. There are those who maybe feel that this sort of process could take the decision making away from provincial Premiers who have many other responsibilities. To a certain extent that may be true, but the Premiers will nevertheless have a major impact, both through any public statements they may make and through the people they may appoint to the assembly. I am assuming here that delegates would be appointed, but they certainly could be elected and I think that could be looked at.

I have some suggestions for a make-up of such an assembly. I think the three fundamental points are what needs to be pursued. I would suggest, for example, that there could be 10 delegates from each province except Quebec, and I will come back to that. Within each provincial delegation each Party should be represented by a number of delegates in proportion either to the number of Members the Party has in the provincial Legislature or to the share that Party has in the popular vote in the last election. I suspect the latter is preferable. The provincial Premiers will probably balk at that and would go for the former.

Territorial Governments must be represented, and I would suggest seven delegates from each of the territories acknowledging that their current status is less than that of full provinces. The aboriginal peoples of Canada should be given 10 delegates to be chosen by them, presumably by vote, with some guarantee of representation from each region. For too long, as I said a moment ago, aboriginal groups have not been adequately represented, and they must be. This can be changed, and we must do it.

The federal Government, I should suggest, would have 40 delegates and, as with the provincial delegations, appointments by each Party should be in proportion either to the number of Members in the House of Commons, or in proportion to the number of votes in the last election. Again the latter seems preferable, but the vested interests of the Prime Minister probably would lead to the former.

° (2010)

The Government of Quebec, I would suggest, should have 30 delegates. Many outside of Quebec would balk at that number but the fact that Quebec has its own civil law and has a major responsibility that the Constitution is appropriate in French down to the last word as well as in English, I think mandates that Quebec has a sizable delegation. I do not think we should be particularly concerned that that is the case.

I submit to you the above comments for your consideration. I would ask that you as the Members of the commission give Canada a chance, give Canada a real chance, a reasonable chance, I would say to the Chairman, a decent chance. Thank you.

Mr. Chairman: Thank you very much, Dr. Gerrard. Questions. I would like to ask you a question or two, sir. The first is, I presume what you are talking about here is a constituent assembly to make proposals for constitutional amendment.

Mr. Gerrard: Yes, I think something long those lines.

Mr. Chairman: You are not wedded to the idea?

Mr. Gerrard: No. That is correct. I mean I think that it needs to be open and representative and it needs to be full time, that we cannot—we have a major, major job to do in this country. We need a forum, a body of some sort, which is going to devote full time and effort to that purpose, that is, coming forward with recommendations for changes to the Constitution.

Mr. Chairman: I recognize this is a paper on process and, therefore, it perhaps is unfair to ask you another

question of the variety I am about to ask, but I am going to ask it anyway. That is, you say we must do everything in our power to hold the country together, and you are quite eloquent and may I say your sincerity is unquestionable as you say that, it is very clear in what you say and what you write. But suppose that means the decentralization of the country, not just Quebec, but elsewhere, the weakening of the federal power, another kind of Canada where the regions or the provinces become much more powerful. What is your attitude toward that? If that is the so-called price one would have to pay to keep the country united, what is your attitude toward that?

Mr. Gerrard: When I say that we should do everything in our power to keep the country together, being in a framework that is going to be acceptable to the people of this country, obviously it will need to be ratified in some fashion, either through the federal and provincial Legislatures or through referendum in a way that is going to be acceptable.

I think that there are many forces that one might say are trying to decentralize us. On the other hand, there are issues which are in common. For example, we have moved on a free trade front to clear away barriers between North and South, without fully clearing away barriers to the movement of people in capital and labour and industries within our own country. There are many things that we could do which would be centralizing and I think acceptable to many people across this country, as well as those things which people are very concerned about that are decentralizing.

I think if we look fundamentally at why Meech Lake failed—I like to use the illustration of the beaver, a Canadian symbol. The beaver, most people know, is an animal good at cutting down trees, a furry animal from the stories of Grey Owl perhaps, some characters which are a bit human-like. What people know less, and I think appreciate less, is that when you corner a beaver in the wild, that beaver can be very dangerous; it has big teeth. I think that people in the West felt that one of the problems with the Meech Lake Accord was that the unanimity clause, for example, boxed them in, cornered them, did not allow for a reasonable possibility for Senate reform.

Same thing for the Yukon and the Northwest Territories. The unanimity clause made it much, much more difficult. The unanimity clause made it more difficult to alter things for aboriginal peoples. It probably would have been much easier and more acceptable to people in the West and in the North to have the Victoria formula in which Quebec alone had a veto, and you still had the 70 percent and so on.

I think what one wants to do is not box people into corners. What you want to do with a Constitution is to allow people to grow and develop, and that is people across the West, in the North, in Quebec, aboriginal people. I think that is possible. I would be very surprised if we could not, with a group of caring and representative interested people be able to accomplish something that would be acceptable for the people all the way across Canada.

Mr. Chairman: First Mr. Lathlin, and then Ms. Friesen. No, just Mr. Lathlin.

Mr. Lathlin: I will try not to be too long in my preamble, sir. I must commend you on your excellent and very clear presentation.

Mr. Gerrard: Thank you.

Mr. Lathlin: Thank you very much. The question that I wanted to ask you is: Why do you think that it has taken Governments and Canadian society, First Ministers, this long to recognize that inherent right to self-government that aboriginal people have? I will ask you that and then I want to say some more here.

Mr. Gerrard: Okay, well, I think in fair measure part of the problem is that many, many Canadians do not really understand what self-government is. I submit to you that when I talk with aboriginal peoples of different backgrounds they have somewhat different ideas of what self-government is.

I think it is possible if we have the effort, the will and the desire, and I think indeed it is not only possible, it is imperative that we put together a Constitution in which we spell it out in a way that is acceptable to aboriginal peoples and to people across the country. I think we can do that if we sit down and put the effort to doing it, and I just hope that we can.

Mr. Lathlin: Or, sir, do you think perhaps that they fully understand what aboriginal people want, that is, title to the land, they want some economic base, they want power, they want authority, and who in his right mind is going to give up all this vast land that is called Canada, full of resources and so on? Who is going to give up power and authority and sharing? See, sometimes when I study this, I convince myself that sometimes Canadian society knows full well what aboriginal people want and that is what backs them off, because it is human nature not to want to give up that land which is full of resources, that authority and power that has been wielded over aboriginal people

for so long. I am just wondering what your thoughts are on that?

Mr. Gerrard: Well, I would make two comments to you. First, I work in the field of health and I know a little bit about what is happening in the health area, that is, that we are trying steadily and gradually to have more and more authority for health transferred to the aboriginal peoples.

* (2020)

Now this has happened most dramatically in some areas on the west coast and in the North, where the aboriginal peoples are taking over the control of the health care system in the Northwest Territories. That is correct. There are other aspects to that. We are working hard at the medical school here with programs to help train aboriginal doctors. We have special programs to get physicians into the medical school. I think that there is a tremendous amount that we can do co-operatively to help fulfill the desires and aspirations of not only aboriginal people, but many of the diverse people across this country.

On the other hand, when you sit down and you lay out Constitution, you have to say specifically that certain powers will be here, and certain authority will be here. Nobody can have all authority, obviously, and so one of the things -(interjection)- Exactly. So that what has to be sort of laid out is where we are going, what is the constitutional blueprint, how are we going to operate sharing powers?

Mr. Lathlin: Let me ask you a final question. Did you know all of the details and the contents and the thrust behind GST when it was first introduced, or free trade for that matter?

Mr. Gerrard: I suppose that I knew a fair bit about the concepts. I did not particularly agree. There were many details of the Free Trade Agreement which I did not go through step by step.

Mr. Lathlin: But did you know the implications?

Mr. Gerrard: I think that if I had been in the position, I would have chosen alternate routes with both the GST and free trade.

Mr. Lathlin: The point I am getting at is, why are we being told, in order to have aboriginal self-government, you are going to have to define every fine detail there is?

Mr. Gerrard: I do not think that you need every detail, but you need a framework—

Mr. Lathlin: The GST and free trade went through.

Mr. Gerrard: Free trade had pages and pages and pages and pages. You need more than we have at the moment, but you may not need every little bit defined.

Mr. Lathlin: Thank you very much.

Mr. Chairman: Thanks again, Professor Gerrard.

The next presenter is Michael Nickerson. Good evening, sir.

Mr. Michael Nickerson (Private Citizen): Good evening, sir.

Mr. Chairman: How are you tonight?

Mr. Nickerson: Well.

Mr. Chairman: Good. Carry on, please.

Mr. Nickerson: According to the task force pamphlet, you would like to know what my views are. Therefore, I will deal with Canada and the big picture, Quebec, and then Manitoba.

We live in a country that has it all. We have the potential to set the good example for other countries to follow, yet our own foreign policy is dictated by a foreign power through a dictatorial puppet set up in Ottawa.

Iraq invades Kuwait and what does our Prime Minister do? He runs right down to see the President of the United States, and Brian looks to all the world like that little yappy dog that bounces around, Spike, hey, Spike, let us do this, let us do that. We have Brian making decisions that will have the greatest ramifications for Canadians all around the world, decisions made without any consultation with Canadians.

Most world leaders have face-to-face discussions. Brian has cheek-to-cheek discussions with President Bush, and it is Brian's face to the cheeks of Bush's—but, enough of our disastrous dictator.

We also have the Honourable Joe Clark, a very dangerous man who is bumbling along as our External Affairs Minister. Just as an example of how dangerous his understanding of the Middle East situation is, I was serving with the Canadian contingent to the United Nations peacekeeping force in Egypt when Joe Who announced plans to move the Canadian Embassy from Tel Aviv to Jerusalem. The Egyptian nationals were madder than hell with Canadians. Here we are, the world's nice guy, not particularly taking sides in a conflict, and Joe pulls this fast one. Perhaps he should have fallen a little harder on a bayonet during his visit to the Middle East.

As for the current Gulf conflict, I agree with Canada supporting the embargo. I am not enthusiastic about the military enforcing the embargo. The money spent for the military's role would have been better spent supporting the victims of the embargo, Canadian farmers, who can no longer sell their grain to Iraq. I am totally opposed to the Canadian military being directly involved in the war.

Mulroney and Clark have placed all Canadians at risk. We have now taken sides, and we appear to all the world to be America's lackey. When the military actions are concluded, what peacekeeping duties have tweedledee and tweedledum envisioned for Canada? How can we possibly regain the world's trust and our credibility when we took sides by becoming directly involved in a war?

I am not anti-American. The United States has become a world power and they have responsibilities to live up to in their agreements with other countries. They have treaties that they must live up to. They have taken on the responsibilities as a world leader, and their involvement in the Gulf will be judged in the future as to whether it was right or wrong.

Here we are trying to project our standards of acceptable conduct onto other nations when we do not even have our own house in order. This summer's Oka crisis was a big embarrassment. The ugly photographs that appeared in the press with, I can only describe them as creatures, stoning vehicles that were crossing the Mercier Bridge said it all. Can Natives in Quebec ever trust a separate Quebec to protect their rights?

The Quebec constitutional crisis was manufactured by Brian's buddy, Lucien Bouchard, and manipulated by Bourassa and Mulroney for their own political gain. Manitobans told the task force on Meech Lake, no. I was standing in the Legislature when Elijah Harper effectively stopped Meech by saying no. What was Mulroney's reaction? As Harper said no, Mulroney's toady, Senator Murray, was on the television changing the rules. If Tories cannot win by playing fair, they simply change the rules and, if you do not like it, take us out next time you vote. So much for representing the will of the citizens of Canada.

The GST is another prime example of Tory terrorism. They clearly misinformed Her Majesty the Queen as to the situation in the Senate. We had not reached an impasse. The Government had not exhausted all of its options open to them. Brian stacks the Senate. Once more, if they cannot get their own way every time, they change the rules.

As for Quebec, I was born and lived in Quebec for 16 years. I lived through the bombings, the FLQ crisis and the Parti Quebecois. What exactly does Quebec want? The extremists, we know, want to go, but they do not want to pay for it. The ordinary resident of Quebec wants only what every other Canadian wants: a job, the prospects for a comfortable life and a future for their family.

The language issue is only a tool the extremists are using to gain power. We also have extremists out west as well who want to gain power. As for Quebec separatism, the separatists are only entitled to leave Canada. Where will they go? I believe I have an option that will allow for the separatists to leave and Canada to stay together as one. It will involve hardship for some Canadians and will result in the displacement of many. Canadians have displaced whole peoples before, so there is a precedent to carry out the salvation of our country.

One, we acknowledge the right of the separatists to leave Canada, and we will assist them in going. We will give the separatists Cape Breton Island, a site which, of course, includes their own ready-made defence establishment of the fortress of Louisbourg. From their new territory, they can easily renew their cultural contacts with France by taking a short dory ride to Saint-Pierre and Miquelon. This site will also provide them with direct contact with their history in the New World.

Three, the relocated Canadians from Cape Breton Island will have all of their expenses paid by the federal Government to relocate anywhere in Canada and they will receive just compensation for being forced to relocate.

Although this option does appear drastic, we cannot permit the few separatists to weaken or tear our country apart. They no longer want to be Canadians so they must go, not our country.

* (2030)

With the Quebec separatist crisis resolved, we can work together to rebuild our country, which has been devastated by the two terms of Mulroney madness, a Government which sold Canada out from under Canadians with its Free Trade Agreement with the U.S. and now they want to finish us off in an agreement with Mexico. I do not recall in the last election Canadians giving them the mandate to make

a deal with Mexico, or is this something that will come out eventually?

How many more jobs can Canadians afford to lose? The Mulroney Government has fostered provincial and cultural discord by gutting VIA Rail, the CBC, and promoting the American methods of deregulation of everything. Their banks are not doing too well, are they?

By cutting the CBC, people cannot communicate their ideas across the country. You have major blocks in, we will say, Quebec City and Montreal who want to separate. The ordinary people who live in the province itself, their only access to the news is television, and now that we no longer get news from all across Canada where people can experience the difficulties that other Canadians have in coping with an uncaring Government, they figure they are just being picked on and they only believe what they hear.

What we have now is the illusion of democracy. We are permitted to change Governments every four or five years. After the elections, the Government stops listening and tells us what they will do. The Constitution must be amended so that the Government can be forced to call an election if they embark on programs that Canadians are opposed to, or programs that they did not get the mandate from Canadians to proceed with.

We now have to reform the Senate as Mulroney's tampering has discredited the Senate's main purpose to protect Canadians from Government abuse.

We must now deal with Native land claims and the rights of all Canadians.

There is this "Mulroney buck" that was circulating around Ottawa, and I think it says it all. There are two faces on there, and a "For Sale" sign in front of Parliament. On the back, it is a little cartoon of Mulroney in a canoe going over the falls, or a logjam, and on the logs, you have got Roch LaSalle, Gravel, and Scoop Nielson.

During our last provincial election, I got a rather nice letter from Janice Filmon. It says here that this is the Gary Filmon I know, a man with strong, strong commitments to family and community, but there is more to my husband than this. Gary is also a man committed to the individual rights and dignity of every Manitoban, a man who believes that trust rather than dependency is the foundation of good Government, a man who firstly is determined to preserve Manitoba's unique way of life.

Well, I have contacted—well, you know, the whole election was run on Filmon and not Progressive Conservatives, for some reason. I mean, after he won he stood up, I believe, in the hotel going, a Tory is a Tory—no, maybe that was a majority is a majority is a majority. That was it.

So anyway, I contacted Mr. Filmon before he was Premier. I had a problem. He sent a letter to a Minister of the NDP Government asking for an investigation. There was a change of Government. I still contacted Mr. Filmon asking for his assistance, asking him to investigate the situation. He did nothing, absolutely nothing, so Janice, he fooled you too, but he also must have fooled a lot of Manitobans.

Then we have another person, probably who has been betrayed. There is a little article in today's paper, so I think the future Minister in charge of Workers Compensation, they do not make jokes about pink slips when you tour the offices, because they sometimes come back. Also, the Minister of Justice, I have been to his constituency office in Brandon asking to have a meeting with him, and I am still waiting, still waiting for justice. I think that is it.

Mr. Chairman: Thank you, sir. Any questions?

Mr. Nickerson: May I ask a question?

Mr. Chairman: Well, we will see what it is. If it is relevant to the constitutional matters, let us see how we can help you.

Mr. Nickerson: I thought the brochure said that we could present anything, it was not just dealing with the Constitution.

Mr. Chairman: Well, the brochure suggests that the subject is the future of Canada and the future of Manitoba within Canada.

Mr. Nickerson: It probably has to do with the future of Manitoba.

Mr. Chairman: Why do you not ask your question, sir, and we will see what it is.

Mr. Nickerson: I would ask Mr. McCrae, were you on a bus ride in Brandon on April 5 or some kind of lawyer get-together or something?

Mr. Chairman: I do not think that is relevant, sir. I think that is something you may wish to pursue with Mr. McCrae on a one-to-one basis.

Mr. Nickerson: Well, he never wants to have a meeting. I have asked him several times and, you see, the Government is not approachable. They are just absolutely not approachable. It is only at times like this that you can ask them questions. Like I had

asked his department to investigate a situation and then, using the Freedom of Information Act, I wanted to see exactly what kind of investigation went on, and the access officer surreptiously removed documents, and had I not examined the file I would not have noticed that any evidence of the investigation had disappeared.

Mr. Chairman: The problem with this, sir, is that I think you would agree that if you were going to make certain statements that there ought to be the right of reply.

Mr. Nickerson: He has a microphone.

Mr. Chairman: Of course he has a microphone, but the purpose of this task force is to have citizens present their views on the future of Canada and Manitoba's place in it.

Mr. Nickerson: Well, if we do not protect the rights of the individual, sir, here in Manitoba and ensure that the rights of the individual, the rights to justice for the individual in Manitoba are ensured, how can we tell the federal Government that they must ensure the rights of Canadians?

Mr. Chairman: Well, I am going to adjourn the proceedings for a short break, and I am sure that you and Mr. McCrae could have a discussion.

Mr. Nickerson: I have had discussions with him before. I wanted a meeting in his office, and he does not want to.

Mr. Chairman: Well, he is here now, sir. Do you want to talk to him or do you not?

Mr. Nickerson: Yes, I would.

Mr. Chairman: Fine. We will take a short break now.

Mr. Nickerson: That is about all I will get.

The hearing recessed at 8:38 p.m.

After Recess

The hearing resumed at 8:50 p.m.

Mr. Chairman: Ladies and gentlemen, welcome back. Our next presenter is the Island Lake Tribal Council, and I call on Mr. Jack Flett to present on behalf of the Tribal Council. I am sorry, sir. You are Chief, and I would like to acknowledge that you are Chief of the St. Theresa Point First Nations. Thanks for your written presentation and please proceed.

* (2050)

Chief Jack Flett (Island Lake Tribal Council): My name is Chief Jack Flett from the First Nations St. Theresa Point in northeastern Manitoba.

I am honoured to make this presentation to you on behalf of the people belonging to the Island Lake Tribal Council. The communities I represent today are St. Theresa Point, Garden Hill, Wasagamack and Red Sucker Lake. I am especially proud to be here today in this continued discussion of the Canadian Constitution, because if it were not for the First Nations of Manitoba, the Meech Lake Accord and its constitutional amendments would have passed. The door would have been shut, preventing further participation by the peoples of this land in the area of constitutional reform.

I am especially proud that it was one of our citizens of our territory who was instrumental in conveying the national will pertaining to the Meech Lake Accord. I would like to take this opportunity to publicly congratulate and thank Elijah Harper for the courage and strength he portrayed in defeating the Meech Lake Accord.

As a First Nation of this country, we are very disturbed with the systems and institutions that have been developed to serve the people who reside in this land. We are equally disturbed with the methods that have been used to develop these systems. The governing system that has been developed does not have its roots in this land. It does not have a solid foundation. First Nations are the lawful custodians of this land, and we were given the rights and the responsibilities by which this land and its peoples will survive.

Take us into your confidence, as we have so much to contribute to the well-being of all who live on this land. Before I outline our concerns as First Nations of the Island Lake area, as it relates to the Canadian Constitution, I would like to present the following principles that should be addressed if Canada is serious in restructuring its Constitution.

Principles of constitutional reform: Canada must realize that the present Constitution does not work; there must be a new approach to any constitutional reform; our Canadian Constitution must be made in Canada, for Canada; any constitutional reform must be based on the unique fibre of the existing Canadian society, existing to mean an accommodation of the past, the present and the future requirements of all peoples of this country that is now known as Canada.

Our approach to any constitutional reform must recognize our own Canadian uniqueness. We must develop systems that respect those needs that are unique to us as distinct Canadian peoples. Systems from other countries must be good for those countries, but they are not necessarily good for Canada.

There must be meaningful involvement and participation of the aboriginal people of Canada in the planning, development and implementation of any constitutional reform.

There must be a recognition, respect, protection and promotion of all cultures, traditions, languages, institutions and spiritual beliefs of all peoples of various traditional backgrounds that reside on this land.

Any constitutional reform or amendment must not jeopardize or compromise any individual or collective rights of any group of people in any part of this land.

Any constitutional reform must address fundamental issues and establish working and operating principles. An example of these fundamental issues are Government, its structures, roles and functions; management, its structures, roles and functions; and its people, their rights and responsibilities. We cannot make effective change if we continue to address symptoms and do nothing about the causes of those symptoms.

There must be a review of fundamental concepts, principles and laws under which our country exists, as it relates to God, land and its people.

Based on the above principles, the First Nations of this country have a major role to play in any area that deals with land and its people. This presentation will deal with the issues that affect us as the First Nations of this province that must be addressed in any discussion dealing with the present Constitution. I am sure that other nations of this land will also make recommendations on how they expect the Constitution to accommodate their particular needs. Once those recommendations have been gathered from the citizens of this province, then the challenge takes place to develop a constitutional path that will lead to justice for all peoples of this land.

It will require vision and insight to develop the framework that will eventually lead to the development of a Canadian Constitution that will protect and promote all peoples of this land. There is so much I want to present to this task force, but due to time limitations, I can only address those concerns that I hope will lead to discussions in the future to other related subjects.

This presentation is made in conjunction with the presentation we made to the Meech Lake Task Force, and a copy of that presentation is attached to the documents that you have in front of you. Therefore the citizens of the First Nations of the Island Lake communities have instructed me to raise the following concerns to the Manitoba Task Force on the Constitution:

First Nations participation - The First Nations of this country must be recognized as full and equal participants in any discussions related to constitutional reform. Our participation must not be limited only to this forum where we make presentations, but we must be involved in the drafting of a provincial position and participation in national discussions. Constitutional reform must not be left to a handful of men and women whose interests might be limited to politics and self-preservation. This process must be opened up. There cannot be excuses like, this has never been done before, or, how can we accommodate every nationality and interest group?

We must accept the challenge that there must be a Canadian-made process to accommodate this aspect. The Canadian people have allowed themselves to operate within the confines of a constitutional prison that they have created for themselves by copying foreign structures and methods that have not served Canada well. This must change.

* (2100)

We must jointly establish goals that will benefit all the people of this land and proceed with strength and courage to achieve those objectives even if we must pass through uncharted areas. In other words, we must pick up this challenge and complete the work of our constitutional forefathers.

Distinct societies in Canada - There must be explicit recognition of aboriginal peoples as a distinct society that constitutes a fundamental and original characteristic of Canada. We have no problem with giving recognition and credit to other nationalities that have contributed to the development of Canada. We only ask that the aboriginal peoples be given the same respect and credit for their contribution.

The Canadian Constitution must be a sacred document that is honest and truthful. The Canadian Constitution that says that English and the French are

the only two founding nations of Canada is a lie that must be corrected.

Inherent aboriginal and treaty rights - As a declaration of First Nations indicates, we are the original peoples of this land, and the Creator placed us here with defined rights and responsibilities. We are a sovereign people with inherent rights to govern ourselves with complete jurisdiction over our lands and people. This sovereignty has been exercised by the First Nations, and this has been recognized in the Royal Proclamation. The right to enter into treaties with other sovereign nations is based on this principle.

The treaty-making process of the aboriginal people was unique in a sense that certain aspects of sovereignty were kept silent because those rights were not negotiable. The spirit of the treaties is the elaboration of those rights with the concept of sharing the use of land and resources in exchange for certain rights.

However, with increased numbers of foreigners in our land, their interpretation of the treaties changed from sharing to extinguishment of lands and rights. Again, if the Canadian Constitution is to be lawful and sacred, it must correct the past injustices that have been done to the aboriginal peoples as it relates to treaties and rights.

A constitutional amendment must be made to implement the spirit and intent of the treaties. Recently the Prime Minister of Canada announced that treaty rights and federal obligations must be resolved. A statement of this nature can be made. However, the subject matter of this statement will be very difficult to implement as there is no legal or constitutional framework to make this happen. Therefore, it is essential that the recognition and implementation process of aboriginal and treaty rights be enshrined in the highest law of the land.

Some of these needs to be addressed are as follows:

Bilateral process - As a sovereign people, we maintain our inherent right to maintain a nation-to-nation relationship between the First Nations and the federal Government.

Federal Government's treaty obligations - Treaties are very explicit in the federal Government's treaty obligations. These include a treaty obligation in respect to land claims, education, medical services, pursuit of traditional livelihood, sharing the benefits of the land and the right to self-government.

First Nations Government - The Canadian Constitution must recognize the First Nations as a form of Government with shared authorities and responsibilities with the provincial and federal Governments. This will recognize the inherent right we have to govern ourselves based on the concepts we have developed for centuries. How this will be structured will be the subject of negotiations and accommodations between the First Nations and Governments.

Transfer of federal powers - Any process that will weaken the federal Government's ability to exercise its trust, responsibility toward the First Nations must be avoided at all costs.

Constitutional conference - We demand an active role in any future constitutional conferences that deal with any aspect of our existence, for example, a conference on fisheries or economic settlements.

Word "existing" in Section 35-1 - In order to recognize the contribution and historical fact of the First Nations of this land, the word "existing" must be removed from the present Constitution. The present Constitution as written means as of 1982 all aboriginal and inherent rights that do not conform to provincial and federal laws do not exist. In addition, these inherent rights were not disturbed during the signing of the treaties and during the process of creating the reserves. Legislations were used to eliminate the inherent rights of aboriginal people, but this system can no longer be used as proven by the recent court cases that indicate that inherent rights exist even in the eyes of the courts in spite of what the Canadian Constitution says.

First Ministers' Conference on Aboriginal Rights - A First Ministers' Conference on Aboriginal Rights must be convened as soon as possible to begin the process on how aboriginal rights may be enshrined in the Canadian Constitution. The planning of this conference be done in a tripartite mechanism to include a First Nations, provincial Government and the federal Government. In this conference, the aboriginal people will participate as equal partners in this nation-building exercise.

Amending Formula - A constitutional amending formula must be established based on consensus and mutual agreement. An amending formula must not be used as an abuse of power by any group of people.

Senate Reform - There has been so much discussion on the issue of Senate reform, and I

believe we should not waste much time on this subject. We should simply ask ourselves if the Senate plays an important role in the lives of the Canadian people. If it plays an important integral part of the Government, then we should keep it. If it does not, then we should eliminate it. If the Senate is used to maintain the national will or to keep our elected people honest, then I say we need to examine our total system of Government. If we keep an open mind during this exercise of constitutional discussion, it will become evident what our government requirements will be. It is my hope that we will not try to keep the Senate merely because the United States has one or because of the English traditional system.

The above are only some of the items that have been addressed in the constitutional discussions. There are many more that will be addressed in relation to the main topics as outlined above. For example, once there is a constitutional recognition of First Nations self-government, then we must address the function of Indian Affairs, the Indian Act and all legislation that affects the aboriginal people.

Before I conclude my presentation, I would like to ask two questions as to the role of the Canadian Constitution to issues that relate to the communities I come from.

The first question is: Is the role of the Canadian Constitution to provide equality of life for its citizens?

The communities of Island Lake are situated in northeastern Manitoba that is only accessed by air and five weeks of winter road in January and February. Our unemployment rate is 95 percent. We do not have an all-weather road. We do not have running water, no sewage. Our electrical service is only 15 amp, and our housing is subsidized by the federal Government. The Indian Affairs figures and rates have not changed in the past 25 years. There is a backlog of 200 more. Even Garden Hill itself has 500 homes that need to be made. There is barely enough food for the people and their diet lacks the necessary ingredients for healthy development. The cost of living is very high.

What I am trying to say is that we still live in a Third World condition. The welfare system is killing our people. It is making our people depend on Government handouts. Some time ago we made a proposal to our federal Government turning welfare into economic development activities or income. The proposal was rejected. We even have calculations, which I have included in the package, over a certain number of years. I think it is five or in 10 years Government would have saved millions.

It was rejected because of policies, guidelines set up by the Government for the Native people within the confines of the existing, I mean, the imaginary boundaries of reserves. The response by the Minister was that it was just not done, and legislations and program directives would not allow such a system to be implemented.

Therefore, we recommend that any initiatives that are developed which maximize the use of Canadian resources for human development be accommodated by the Canadian Constitution.

In conclusion, I do not mean to offend the task force, but you have heard and read about the aspirations of the aboriginal peoples many times. Presentations of this nature will not correct the injustices that have been done to the aboriginal people if the Governments are not willing to listen to what we say. What we need is the political will to act on these long overdue unfinished businesses with the aboriginal people.

* (2110)

All you need to do is look at the statistics on any facet of aboriginal life, whether it be urban or reserve, and you will see that a co-operative method must be established between the aboriginal people and the mainstream society to bring the standards of living of aboriginal peoples to that of other people who enjoy the fruits of our land.

We have made countless presentations to Governments on aboriginal issues for years, and we have been studied time and time again. We have been saying the same things over and over again, and somehow they fall on deaf ears.

Let us stop studying aboriginal people. Let us go on with a plan of action to resolve the unfinished businesses with the aboriginal people. Thank you very much.

Mr. Chairman: Thank you very much, Chief. Any questions? There were several of us who visited you, sir—

Mr. Flett: I remember.

Mr. Chairman: —during the time of the Meech Lake hearings, and we will never forget our visit, those of us who were there. I wonder if you would be good enough to take back our fraternal greetings to your people, to Chief Jack Fiddler, Chief John Harper, and Chief Elijah Knott who have co-signed your

presentation today. We, I think, deeply appreciate having been there. Some of the things you have said, in the last few pages, about conditions that prevail in the communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake—and I appreciate more than I can tell you the fact that you have come down this long, long way from your community to speak to us, and we deeply appreciate the quality of the presentation and the fact that you have come down with some of your people to see us tonight.

Mr. Flett: Thank you. I shall convey the message, but then again, we could never forget you people, too. We got your signatures. Thank you.

Mr. Chairman: Thank you, again. The next presenter is Mr. Harold Brown.

Mr. Harold Brown (Private Citizen): Good evening.

Mr. Chairman: Hello, Mr. Brown. Thank you for waiting. The Chief and his councillors have to return to Island Lake tonight, so I made a change.

Mr. Brown: That is quite all right. It was a pleasure listening to them. I wish that we could do more for them throughout the country.

I will introduce myself as being a Winnipeg-born senior citizen of 85 years. I obtained my chartered accountant degree from the University of Manitoba in 1929. Except for a few years in the '30s, I have resided in Winnipeg. I retired in 1970. Last December, I wrote an article in "Seniors Today" stating, I do hope seniors as a whole in small groups and large groups and as individuals will offer their opinions based on the years of living covering Governments of very different stripes, good times and bad times. Our children and their children deserve our best efforts.

Accordingly, I will give some opinions. I would have thought them radical and far-fetched only a few years ago, but with the present chaos, the lack of leadership, the enormous debts, it is apparent and crystal clear that major changes are necessary.

Our form of parliamentary Government, supposedly democratic, was to my mind and reading obsolete even when signed as the BNA Act in 1867. It had followed the English form but without the checks and balances that existed there. Britain has no written but consistently changing Constitution and with changing ideas has modernized. Canada, instead, went backwards. We are now a beneficial dictatorship elected every four or five years as the PMO or the dictator desires. It has a Senate of second opinion, generally useless, one that could be plugged to pass unpopular laws, highly expensive, patronage filled, a wart on the face of Parliament.

In the Commons, the most strict caucus rules in existence anywhere have turned our elected representatives into mostly expensive rubber stamps, marvelous for political Parties and disastrous for the nation.

Looking back over the years, I feel we got good Government when the Party in office was in a minority in the House. The first months of a turnover Government were often great as well. Unfortunately, strong Governments with solid majorities quickly deteriorate. We find ill-considered legislation, excess patronage, salary and pension increases. The unpublicized motto of a strong Government is, the public be damned. This, of course, changes magically when an election looms. Promises mean little or nothing. I have very personal knowledge in one case.

Even in provincial Legislatures, the pattern holds. Minority Governments are careful and responsible, while their opponents give responsible comments and ideas. With strong Governments, arrogance also shows often while the Opposition is careless and argues and disagrees without much rhyme or reason. Many of our elected representatives are anxious to do their best for us and to present our ideas. They can only do this to a very limited extent through the rigid caucus rules. These men who had the guts to represent us suffered dearly after breaking caucus rules. They are Dave Kilgour, Pat Nowlan and Dan McKenzie. I wish we had a lot more like them in the future.

What should the answer to our massive problems be? Unfortunately, we are not anywhere near a consensus of any kind. I can give an opinion as many others can and will.

I trust this and many other books and individuals will gradually tend to get closer to the answers that will make Canada strong again. My opinions follow those expressed by Kevin Doyle in Maclean's recently. Accordingly, I will only briefly summarize rather than go into detail, quite unnecessary at this time.

1. Kill our written Constitution. This written form merely preserves the status quo. Manitoba's Sterling Lyon argued unsuccessfully against a written form at the constitutional conference in 1981, signed by nine provinces and by Ottawa. This document, spurned by Quebec, has been the focal point of Quebec's

objections and fears. With it, Quebec even considers withdrawal from Canada, probably justly so.

2. Reconstitute our federal Government in a form that will encourage ideas and fairness in legislation while incorporating checks and balances. This would certainly involve an elected Prime Minister. He would primarily be suggesting policy and be in charge of research and development.

There would be an elected House of Commons, which would be on a proportional basis. They would be the administrative body setting up most legislation. An elected Senate with equal representation from each province would also be able to present legislation. The two bodies would agree on final legislation. The P.M. would have a veto that could be overridden by two-thirds of both. Terms of the Commons would be short, likely two years, to ensure responsibility to their own electorate; longer, possibly four for senators and the Prime Minister. Elections would be at the end of a fixed term, not at the choice of the Government.

3. Financial policy would be returned to the Commons and Senate with the Bank of Canada's responsibility very sharply restricted. To my mind its totally irresponsible policies of high interest rates have been the major cause our made-in-Canada depression—not recession, depression. It caused our tremendous debts of all provinces. Canada fought two wars without getting a heavy debt and also without having excessively high interest rates. I just might mention at this point that most of Winnipeg was built on bonds that were sold at 2.75 percent. Our bridges and most of our paving and a lot of our offices, including our Legislative Building, were financed by 2.75 percent bonds. These high rates are responsible for a very large part of our debts, federal, provincial and municipal.

* (2120)

4. The responsibility for our chaos on so many fronts must be recognized by our politicians at home. I suggest to bring this home to those most improved, that the salaries and perquisites of all elected and appointed members of Legislatures and Parliaments by reduced by 25 percent. Further that their pensions be reduced to actuarial levels comparable to those pensions paid for by individuals not in the Government service.

Summarizing my opinions in the questions asked in the Manitoba task force booklet, I offer the following:

My constitutional priority is that whatever is decided on finally that they contain adequate checks and balances that require full examination and debate. Railroading matters through, as was done on the GST, should be made as impossible as it is intolerable.

The Charter of Rights should stand with openings for the inclusion of other matters as the need arises. This is probably where the aboriginal rights belong.

The division of powers between the provinces and the federal Government should alter to give the former more powers in such matters as health, education and welfare and possibly others.

Funds to finance should be reallocated with full consideration for equalization. The federal Government should also be able to set minimum performance standards.

Senate reform is essential. All thoughts considered, I think the three-E principle, elected, equal and efficient, states it well. The Senate powers would resemble those given to the U.S.A. Senate. I might add, without the stupid things that they have down there, such as putting pork barrel ridings onto important Bills and things of that nature.

The amending formula should start with the death of the Constitution written in 1981. It was even more flawed than the original BNA Act in my mind. From that point the majority opinion, at least of nine provinces, must somehow be arrived at. From there I would prefer an unwritten Constitution based on precedent and agreement. If it must be written, I suggest the procedure for amendment be clearly set out and readily available. We are not in a static world and we know not what the future will bring.

Mr. Bourassa's steal of the P.Q.'s platform plus his own ideas sets out matters that could be followed in part; but, in part, there are matters that in no way could be agreed upon, such as the environment and having laws passed invalid unless approved by the Quebec legislative assembly. It appears that, in taking over practically everything the Liberal leader could think of, Quebec would simply ask Canada to remit the necessary funds they need and want. They probably would not be small. Canada's position would be impossible without central control of a budget.

Probably we should start considering Canada without Quebec and lay a groundwork for Quebec's withdrawal, and also lay the minimum terms that we would agree to continue Quebec in Canada. Whatever is available to each and every province

should be the maximum allowable to Quebec. I believe any contracts should terminate with separation. There should be no continuing projects, no pensions paid to Quebecers out of Canada funds. The age of massive public projects there, subsidization and favouritism should be a thing of the past to any new nation. Civil service strikes, a modified blackmail, should be reconsidered and limited.

I appreciate the opportunity very much to join in the discussions leading to a reasonable and considered position.

Mr. Chairman: Thank you, Mr. Brown. Any questions? Thanks again, sir.

Mr. Brown: Thank you.

Mr. Chairman: Mr. Reginald Hart. Mr. Graham Hughes. The Community Education Development Association represented by Mr. Tom Simms. Hello, Mr. Simms. You thought you were much later?

Mr. Tom Simms (Community Education Development Association): Yes, I thought I was till adjournment—

Mr. Chairman: I thought I would just shake you up.

Mr. Simms: —you know, on the top there you have until adjournment.

Mr. Chairman: Go ahead, please.

Mr. Simms: Good evening. My name is Tom Simms. I am with the Community Education Development Association, which is an inner city community development agency in the City of Winnipeg. Our organization is here tonight to speak in support of the six principles that have been enunciated by the Assembly of Manitoba Chiefs with respect to constitutional reform. I guess it is the position of our organization that true constitutional justice and social justice in our country will not be achieved unless issues with respect to aboriginal constitutional reform are dealt with.

The six principles that have been enunciated by the Assembly of Manitoba Chiefs include:

1. The recognition of aboriginal peoples as the fundamental and original characteristic of Canada.

2. The recognition of aboriginal peoples as distinct societies with protection for aboriginal languages, cultures, traditions and institutions.

3. The recognition and protection of the inherent right of self-government of aboriginal peoples.

4. The recognition and protection of right of aboriginal title.

5. The fulfillment of all treaties including the land claim agreements signed between the aboriginal peoples and non-aboriginal Governments.

6. The right of aboriginal people to participate as equals in the process of constitutional change.

I guess three editorial comments on behalf of the organization in support of the principles that have been identified by the Assembly of Manitoba Chiefs: It is the position of our organization that if these six principles are not viewed as major priorities by this task force committee and looked at as a policy direction in terms of constitutional reform by this provincial Government, we view that lack of commitment to that type of direction is based in the racism that has been experienced by the aboriginal peoples over the past centuries in our country, so we feel that it is very important that these issues be looked at.

No. 2, I guess, particularly in our experience in the inner city context is: The traditional political football dilemma of passing jurisdictional commitment with respect to aboriginal people in the urban context between the federal and provincial jurisdictions needs to be addressed in terms of the recognition and protection of right of aboriginal title. I know there are a number of issues which the aboriginal community is working on in the inner city of Winnipeg. I can think of one in particular in terms of the whole issue of an aboriginal survival school, that the whole struggle for the necessary resources to meet these very much needed issues in the community, that are being identified by the community, are in constant question due to this lack of resolution of the status of urban aboriginal people.

I guess No. 3 would be, I think: Our organization believes that change with respect to how the mainstream society, how Canadian society relates to the aboriginal community will come one way or another, and our elected officials have within their powers the context in which that change can take place. It can take place through parliamentary vehicles such as constitutional conferences and what have you, where aboriginal people are viewed as equals in that process, or it can take place in terms of the context of the crisis that we have seen, particularly over the past summer of Oka.

* (2130)

I think we need to reflect back in terms of the civil rights movement in America where it was not so much the mainstream elected people such as the Bobby Kennedys or the John Kennedys who provided any leadership in those issues, it was the struggles that took place in the streets and the marches and the boycotts and the sit-ins with movements under people such as Martin Luther King, that those kinds of changes were effected. I guess as the body of Canadian society, particularly in terms of the provincial context of our elected officials, we believe that it is in your hands in terms of how that change process will take place. We feel that the constitutional principles that are being enunciated by the Assembly of Manitoba Chiefs are a significant direction that needs to be looked at in terms of future constitutional reform in our country.

Mr. Chairman: Thank you very much, Mr. Simms. Questions? Could you just tell us a word or two, sir, about the organization you represent? You may have said something at the beginning which I missed. I am just interested in what this organization—membership, and that sort of thing, just a word or two about the organization.

Mr. Simms: Okay. Basically it is a nonprofit community organization that exists in the inner city of Winnipeg, and we work out of 12 neighbourhoods within the inner city on various issues related to issues that affect people in the inner city.

Mr. Chairman: The membership would be teachers and—

Mr. Simms: The membership would be—it is pretty broad, it is the residents that are involved in the various neighbourhood organizations and community councils that we are involved with. Membership also includes those people who work in various inner city schools, community organizations, who practise their trade in the inner city.

Mr. Chairman: Thank you. Thanks very much again. The next presenter, Mr. Douglas Wade?

Mr. Douglas Wade (Private Citizen): Good evening to everyone.

Mr. Chairman: Good evening, Mr. Wade.

Mr. Wade: My name is Douglas Wade and I live in Charleswood, which is one of the most desired areas in Winnipeg. That is a little plug for my area.

I thank the Chairman and the Members of the task force for this opportunity to speak on Canada's future which now seems predicated only on constitutional reform.

Mr. Chairman: Mr. Wade, would you mind just pulling that microphone a little closer and more towards you? That is great, sir, thank you.

Mr. Wade: Normally, anyone should feel pleased that such an opportunity is available, but my appreciation is tempered by sadness by the fact that my appearance here tonight is the result of the three major political Parties in Canada, our current Government, our Prime Minister, and our Premier have ceased to look after the interests of Canada, and have been concentrating only on political expediency.

I am not sure reform is possible now, or that the real problem is being addressed. In short, I feel like a member of a deathwatch, waiting for Canada to die, sharing Mr. Trudeau's hope that it will go out with a bang rather than a whimper.

A little background on my thoughts: I cannot remember any period in my lifetime when there was not discontent and outright anger over the predominant role Quebec and Ontario played in effectively controlling the entire country, made possible by the overwhelming number of parliamentary seats held. There was never any will to meet the concerns voiced over such things as western alienation, aboriginal rights, the Crowsnest railway rates, interprovincial tariffs and other concerns. No constitutional change was ever seriously contemplated.

My parents were one of that great influx of ethnic groups that came into Canada and really made this country. I never heard any question of separation. They were content to dig their heels in and make this country what it is today, until recently that is.

A new voice from central Canada, that of Quebec, speaking with a surge of nationalism, was heard, not asking, but demanding more powers. In the past week, those powers were enlarged in scope and became those of a separate state. Suddenly, constitutional changes—the Prime Minister calls them reform; I do not—became a top priority, an amazing rush to have constitutional change. Quebec made their demands. The Prime Minister really was not satisfied with them. He agreed and increased them. He did not have to. It was his own idea.

The proposed Meech Lake Accord was unveiled. The special committee to study a proposed companion resolution to the Meech Lake Accord went around the country. Manitobans listened to the

Manitoba task force, and over 66 percent of them said no to Quebec's demands. The rest of Canada, around 75 percent as I recall, were equally opposed. I will say, once again, no one said no to Quebec, as had been popularly put around this country. Canadians did say, Quebecers are wanted in Canada as equal partners, a province with equal powers as the other provinces. That is what we wanted. Apparently, that was not enough.

Apparently we have the Citizens' Forum, chaired by Mr. Spicer. I will not say very much about that except to say its performance does not warrant any comment. We also have the Belanger-Campeau committee operating in Quebec, and they have done a reasonably favourable job for Quebec. Practically all of the submissions have clearly been in favour of Quebec's separation, and I have no quarrel with that if they wish to leave.

The Premier of Quebec has refused to attend any more First Ministers' Conferences, stating he would only discuss matters with the Prime Minister on a bilateral basis as a head of state. The Prime Minister's role appeared to be complete agreement with the Quebec position. In fact, it was as if we had a clone there. The only way I could distinguish Mr. Bourassa from Mr. Mulroney was by looking at the chin.

Canadians were forever reminded of the extremely serious consequences for Canada if Quebec leaves, et cetera. Never once did the Prime Minister speak for Canada—not once.

So I see this task force and other provincial groups like it as being unwitting accomplices of the Prime Minister when he invites us to sit down again—Meech Lake was the first time—at the same old crap game, where the Prime Minister is the only one to roll the dice. What is called reform is simply change or amendment which will serve, unfortunately, only one purpose, to pave the way for Quebec to remain in the guise of a province within Canada and yet have the full powers of a state.

This is very unfortunate, because if that happens, no constitutional change will ever be possible in this country. Quebec will veto everything, use the notwithstanding clause. The answer is, hopefully, that Quebec will take the separation that they so much desire—they may go with my blessing—and then we can start making this country over in the way that we think it should be, in a democratic way. If they remain, I can only see another 100 years of strife, and we will be absolutely paralyzed again.

I looked at the broad mandate given this task force, "to give . . . citizens the opportunity to express their views on the future of Canada and Manitoba's place in it including priorities for future constitutional reform."

* (2140)

On second thought, I had some doubts about this. It seems to me a very narrow, provincial approach to a problem which is completely a Canadian problem. It must be answered on a Canadian basis, not on a provincial basis to satisfy what Manitoba wants or thinks. It is the whole country that must decide this.

Across Canada, Canadians have told their Governments they know what the problem is—Quebec's position. There is no doubt it; it is the single most important thing, possibly followed by aboriginal rights, which nothing can be accomplished until the first problem is answered. Why does the mandate of this task force not directly address the problem? Instead, what we have done here is bury the single most serious constitutional crisis in Canada among a grab bag of mundane problems which our federal Government has still not resolved satisfactorily after many years of discussion. In essence, the importance of this one change, this one crisis—we are at a crossroads—is being submerged.

I think people will be weary of it by this time too. My reading from many publications gives me the impression that task forces, three or four across Canada, as I recall, were formed to deal with the Quebec-Canada relationship, not a universal overhaul of the Constitution. It is not needed. I will talk about that a little later.

By the time this task force wades through the extraneous submissions and gets to the crisis situation, Quebec will likely have gained their objective or be gone, and the rest of Canada will be up for grabs, because I cannot see Canada remaining Canada for very long after Quebec leaves. It will be British Columbia next, Alberta, and then I guess Manitoba, being the dregs, sort of, will be one of the ones that will suffer more than anyone.

Does this task force realize the single thread holding Canada together has been the national health program? All the old ties that made the country what it is have gone now, and your national health program is being steadily eroded, so once Quebec goes, nothing else remains to keep this country together. It will not be long for the national health program to go. Once the American program comes in and it levels

off, as the Canadian program declines, when we reach that evenness, then there will be a great many people leave this country. So I really think your mandate given to you appears to be a masterpiece of obfuscation, unwilling to deal directly with the crisis situation we are in.

In saying that, I cannot help admiring the single-minded approach, the steadiness and the clever tactics that Quebec has used to start dismembering Canada. I must give them credit. They know where they are going. We never have. Call it the Anglophone faction if you wish. Quebec has always known where they are going, and in the last 10 years they have clearly told us. I must blame the Prime Minister as well as the three Parties for not pointing out the disadvantages, that Quebec will be the one to suffer when they do go. Within 10 years they will be a little island surrounded by English-speaking groups, two countries, United States and Canada. All the French benefits they have will cease to exist within a short time.

I suppose I wonder why we need task forces. This task force came into being at the behest of the Manitoba Government which had previously introduced legislation to pass the Meech Lake Accord, and days later hastily withdrew the motion. I do not think anyone is sure what the Manitoba Government—what position they have, or trusts them.

The process is almost identical to that used in the Meech Lake debate. As a result, the public perception of the Government and the task force is skepticism and distrust, not your fault. I think the public input again is seen as being ignored.

Then I look at Switzerland. For 200 years they have had a referendum process there. It is called a Citizens Initiative for Referendum. It brings all Swiss citizens fully into the democratic process. Some of the examples I can quote for you: In recent years, by referendum, a proposal to join the United Nations was defeated by the Swiss citizenry; a reduction in size of the Swiss army was defeated by 62 percent of the population. I wonder, if something like that works so well in Switzerland, why do we always seem to be wagging the dog's tail? Why can we not have those democratic things? We have lost our democracy in Canada. I have no faith in it now.

My presumption being valid that Canada is in a crisis situation with Quebec, and this matter is the most important discussion point for Canadians, then why are we jumping at Quebec's crack of the whip at this period? Should we talk constitutional change now before Quebec clearly defines what they mean by independence? Complete independence I have no problem with, but I am afraid that they are simply playing with words, and they wish to have a sovereignty association which will leave Canada in the same bind as we were before.

We should know what that means, and a referendum should be held to confirm it and the rest of the wishes of the Canadian people as well, and the assets and liabilities of Canada and their apportionment is determined. I think that possibly Quebec will change their position when they really realize that this is not a piece of cake they are getting into. They are going to lose things. There is land mass to be considered, everything. The temper of—have I got five minutes more?

Mr. Chairman: Yes, sir.

Mr. Wade: The temper of the Canadian people right across this country, as I see it, is anger, and they are not going to get any privileges that can be denied them in a fair and equitable manner.

Again, our present Constitution may serve us without change when Quebec leaves. I suggest to this task force that a change should only be considered when certainty demands it, and I think this task force would be well advised, if they cannot work on the basis I am suggesting, that it should be adjourned until then.

Those are my comments. I feel a lot better now that I have them out of my system.

Mr. Chairman: Thank you, sir. Just as a matter of interest to you, there are eight commissions working across Canada. I think you mentioned four. It is even worse than you thought.

Mr. Wade: Yes, that makes it even more tragic, does it not?

Mr. Chairman: Are there any questions? Thank you, again, Professor Allan Woodbury.

Professor Allan Woodbury (Private Citizen): Good evening.

Mr. Chairman: Good evening, Professor Woodbury.

Mr. Woodbury: I will be quite brief. I want to thank you for allowing me the opportunity to speak to you about the Constitution.

Mr. Chairman: Pleasure.

Mr. Woodbury: First off, I just want to point out, my wife and I have recently moved here from Montreal. I think our stay there has given us some experience into Quebec society that I think a lot of people are not exposed to. I have also lived in Australia.

What I wanted to talk about here was just basically outline my position on the Constitution, what I think the implications are with this position and, finally, what I think might happen if Quebec decided to separate.

Well, firstly, when I was in Australia, I happened to visit the House of Parliament there. I read the history of the country and looked at their Constitution. I am sure you are probably all aware of some of the specifics of their Constitution, but I thought, what a wonderful document it was—this is 10 years ago—and why did we not have something like that here?

Indeed, Australia is not a perfect society. They do have problems there. The western Australians like to think of themselves as something separate as well, but nevertheless, it offers a lot of potential for us. Basically, it offers the fact that they have an elected Senate that runs on, I believe it is, a three-year term that is different than the regular House of Parliament's. They do not have the—down there they run on a fixed term. The politicians cannot decide when they choose to have an election, so they run at a slightly different time than the normal House of Commons.

° (2150)

Any conflicts that happen to arise go to committee, and if the committee does not settle conflicts between the two Houses, if they are not settled, it goes back for one other vote and another pass between the two Houses. Failure of that results in a general election.

Now, one might think conflicts between two Houses must occur quite regularly, but actually, in Australian history, they have only happened about two or three times.

What we have here is a balance between regional interests, those interests of the territories and those of the population at large.

I think it would be a model for Canada, because Australia has much the same kinds of problems that we have. You know, they have large groups of populations living in pockets all over the country, and they have a vast space.

So what my recommendation might be is that we look at very seriously adopting kind of a made-in-Canada Australian Constitution and look at it very seriously.

I might also recommend transferring rights, particularly, as in Australia, provinces, I believe, should have the right to choose criminal law, have their own criminal law. I think that Quebec, in that particular case, might choose to adopt their own form of civil law. I believe the provinces should have their own language rights. That should be a choice of the provinces and not the country at large. I believe also, being an environmental engineer myself, that it is essential that the federal Government have the exclusive right to control environmental legislation and environmental enforcement. This is a transprovincial problem. What we are seeing right now is a disaster between various environmental hearings across Canada determining which project is going to work, hassles in court. It just is not working.

The federal Government should retain rights of fisheries and armed forces, foreign affairs, federal courts, of course, certain federal laws, but I believe that we need a realignment that way. I believe it is possible to give the provinces some rights and make the Canadian federal system stronger.

I believe also that we should immediately move to have the Northwest Territories and Yukon declared provinces, or move very swiftly in that direction.

Like the previous speaker had mentioned, I think, while we are all thinking of perhaps current models for countries and what has gone on in the past, we should also be thinking about the future. We live in an age where there has been just tremendous strides in computer technology. There is absolutely no reason why we, here in Canada, could not have, within a few years, a system of perhaps, what I envision, even computer voting, in which public referendums could be held. Citizens with particular electronic keys could dial in even to their phones and vote by computer. Such a system is not impossible, nor not unfeasible.

I think we have to think about the future and how we might try to bring the public into more of a democratic process.

Finally, I just want to say that a lot of people are expressing the fears that Quebec may separate or seek sovereignty of some kind, and having lived there I can honestly—and my own personal opinion is I do not think we have to worry about Quebec separating, because they already have a long time ago. Most people are not really aware that Quebec has a national assembly, a Prime Minister in French who is

not a Premier. They collect directly at source their own income tax, which is actually higher than the federal portion, so your pay cheque gets eroded away pretty quickly. They have a national police force and operate many parallel programs identical to the federal Government.

Living there in Quebec is like living very much in a separate substate quite independent of Canada, and the feeling, I would have to say, is that the Quebec friends we have and the people we have met, I really truly believe that deep down they would honestly like to have their own country. The only reason they have not moved in that direction in the past is because of economic reasons, but I really think that is changing.

I think the winds are rising in Quebec, and depending how you view that, you could view that pessimistically or optimistically, but I think it is going to happen. I think our politicians and our leaders have to start responding to set a direction for the rest of us. Quebec seems to know what they want to do. What about the rest of us?

We need a national voice, we need someone with vision to chart a course for us in the future, for the rest of us. We have to think about ways that we can hold the eastern part of the country together with the western part.

That is basically really all I wanted to say, unless there are any questions that you folks might have.

Mr Chairman: Thank you very much, Professor Woodbury. Mr. Carr has a question for you.

Mr. Carr: Professor Woodbury, we hear an awful lot of theory about the Australian Senate, and it is used by many as a model for an elected Senate that may be applicable to Canada, but I do not think we have ever met, at least in the course of these hearings, a live person who has actually been there and has experienced the effects of an elected Senate. I would be interested in knowing what sense you were able to cull from your experiences there about how states related to the central Government and to each other. Are there more regional tensions there or less regional tensions there? Is there a fear that the two bodies will conflict and there will be constitutional deadlock? Do they like the system? Are they looking to change it and find better ways? Can you give us some flavour and sense of how the system works from the Australian point of view?

Mr. Woodbury: Yes, sure, I would be happy to. Australians are very nationalistic and very proud of their country, and I think the idea of the Senate works very well. There are some regions of the country, because of their tremendous geographic separation, western Australians mainly—you know, most people live in Perth, but there is a tremendous distance from there to Adelaide, which is the next largest city. There are some regional rivalries between western Australians and the rest of the country, but the rest of the country runs pretty well as a whole.

I really think that Australians are tremendously proud people, very inventive. The other question is: Do the people have a sense of impending conflict? No, not at all. As I say, this conflict between both Houses has happened very rarely in their past, and when it does it arises out of a good reason. You know, perhaps if we had the Australian model when GST came through, there might have been a general election. I do not think we would have had the same—our country would be completely different.

If you think of what that could hold for us, imagine if, say, Manitoba had two seats, two senators, based on geographic regions, not population, because we would have exactly the same thing all over again, but one region, say, in the northern part of Manitoba and one region in the southern part of Manitoba. That person might well be Native in the northern part. Think what that would do to this country if we could have representation like that, the power that would change hands. I think it would be tremendous.

Mr. Carr: In the Australian system there is an equal number of senators from each state.

Mr. Woodbury: An equal number of senators. I mean, Tasmania is just a little island off the south and they have it—six senators just like the rest.

Mr. Carr: When people want to talk to their Government, in Canada they generally call their M.P. who represents a geographical area, the Member of Parliament for Winnipeg South as an example. How does it work there? If people have problems with the Government, do they call their Member of the House of Commons, or do they call the Senator, or do they play one off against the other? How does that work?

Mr. Woodbury: They tend to play one off against the other, but I would say that the senators, the individual senators, have a lot more influence and power, because you have to remember that down there, just because the Government gets defeated on a Bill, it does not mean it goes down. That is another important facet of it. The only kinds of Bills that the Senate cannot vote on are budget Bills, so everything else works out fairly well.

Mr. Carr: Is the Senate a body that has to give approval to certain national appointments, for example, the president of the Australian Broadcasting Corporation? Presumably, the Cabinet would make that appointment. Does the Senate have the power to say yes or no in confirmation hearings?

Mr. Woodbury: No, not as far as I know. It is just legislation, much like our own Senate but fully elected.

Mr. Carr: Thank you.

Mr. Woodbury: You are welcome.

Mr. Chairman: Yes, Mr. McCrae. You are not finished, Professor Woodbury.

Mr. Woodbury: Oh, I am sorry.

Mr. McCrae: You can be if you want to.

Mr. Chairman: You cannot walk away from—

* (2200)

Mr. McCrae: It is not compulsory to stay, but something you said sort of tantalized me because of my present responsibilities. It had to do with criminal law. You made a suggestion that perhaps the provinces could have their own criminal laws. I mean, that sometimes tantalizes me, I should say. I take it though—and I missed the first part of your comments, so I do not know what you said about the Charter of Rights and Freedoms. Maybe you said nothing about that, and we should take from that, you would support its preservation in our Constitution. You are nodding, so I take it that is the case. Would all the provinces' criminal laws be interpreted consistent with the principles laid out in that national Charter of Rights?

Mr. Woodbury: That is the way I see it, yes.

Mr. McCrae: Thank you.

Mr. Woodbury: May I make one other comment that I forgot to mention? One thing that has kind of been a thorn in the side of a lot of Quebecers for a number of years is our ties to Britain. One may even consider a new Canada of which we are a republic. I think that might go a long way in terms of making Quebec feel part of a growing country, of something larger, rather than sort of always being attached to the Queen. That has always been a source of a nuisance to them for a long, long time. I think that is something we have to think about too, even having a fully elected president for that matter—so just food for thought. Thank you.

Mr. Chairman: I have a couple of questions, sir. One is: What do you think of the way the Australians treat their aboriginal people?

Mr. Woodbury: Terribly in the past. There used to be things called "abo-hunts", and that was not that long ago. That was back in the early 1900s. It has just been terrible. Hopefully my—

Mr. Chairman: Do you really think it is much better now?

Mr. Woodbury: You know, to tell you truth, my information is about 10 years old now, and I really would hesitate to say that things are moving along better or worse. I would like to think that they are better, that there is better understanding. Appalling conditions are what I saw in Ayre's Rock, the centre part of Australia—just appalling conditions for these Native people. It really broke your heart to see it. It was terrible.

Mr. Chairman: My second question is: Do you not feel, in spite of what you said about the second Chamber in Australia, that there are greater, or at least as great, disparities between have and have-less provinces? In the case of Australia, of course, we are talking about the states, because, of course, Australia has no equalization program. Do you not see that the disparities there are as great as what—

Mr. Woodbury: I did not see the disparities there. I have traveled extensively in Australia, and I just do not see it. Naturally, you know, the two largest cities, Sidney and Melbourne—obviously, there is a natural wealth in Melbourne, for instance. It was the old centre of big gold rush days years ago, and that is where they built up their economy from. Their natural regional disparities are a result of just the natural environment, but I do not get a sense of that, based upon, you know, sharing the resources of the rest of the country, sharing the money.

Mr. Chairman: How recently were you there?

Mr. Woodbury: 1980-81.

Mr. Chairman: Any other questions? Thanks very much, Professor.

Mr. Woodbury: You are welcome.

Mr. Chairman: Are there any other presenters tonight, ladies and gentlemen? That is the last I have on my list. I will recall those that were missed on the first round. Mr. Hart, Mr. Hughes, Ms. Paley has asked to be heard at another time.

Then that brings us to the conclusion of this evening's hearing, ladies and gentlemen. My thanks to those of you who have presented and those of you

who have been good enough to stay with us and be part of the audience.

My thanks also to those of you who have been watching us on television tonight, this afternoon and indeed this morning. Television coverage will begin again at 10 a.m. tomorrow live from the Legislative Building, as indeed will our public hearings. We would be delighted if you care to join us, Room 255 of the Legislative Building, tomorrow at 10 a.m., running all day.

I wish you a very pleasant evening, and thanks again for your participation and coming out to our public hearing today.

I want to thank the Payuk Co-op for their kindness in hosting us today. It has been a pleasant and comfortable facility for us to use, and we are grateful for the opportunity to be here.

Tomorrow and Saturday, we will be in the Legislative Building, Room 255. Good night and safe home to you all.

HEARING ADJOURNED AT: 10:04 p.m.